L'ESTRANGE HIS LIFE: PUBLIC AND PERSONA IN THE LIFE AND CAREER OF SIR ROGER L'ESTRANGE, 1616-1704

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DARRICK N. TAYLOR

Submitted to the graduate degree program in History and the Graduate Faculty of the University of Kansas in partial fulfillment of the requirements for the degree of Doctor of Philosophy

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Chairperson

Committee members* _____*

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Chairperson

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## ABSTRACT

This dissertation concerns the life and career of Roger L'Estrange, who was a licenser of Books and Surveyor of the Press for Charles II, as well as a royalist pamphleteer. It seeks to answer the question of how conceptions of public and private changed in late seventeenth century England be examining the career of L'Estrange, which involved him in many of the major pamphlet campaigns of the Restoration period. It argues that there was no stable "public sphere" in seventeenth century England, one that clearly marked it off from a private sphere of domesticity. It argues that the classical notion of office, in which reciprocal obligation and duty were paramount, was the basic presupposition of public but also private life, and that the very ubiquity of ideals of office holding made it semantically impossible to distinguish a stable public realm from a private one. Furthermore, the dissertation also argues that the presupposition of officium not only provided the basis for understanding relationships between persons but also of individual identity in seventeenth century England. It argues that L'Estrange saw his own identity in terms of the offices he performed, and that his individual identity was shaped by the antique notion of persona--of a mask that one wears, when performing a role--than to modern notions of individual identity. Lastly, it will argue that people in seventeenth century England still understood their world in terms of offices, but that changes in the way they understood office, visible in L'Estrange's writings, helped prepare the way for the reception of more modern ideas about public and private spheres that would eventually come to fruition in the nineteenth century.

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To my family and especially my parents, Richard and Holly, whose love and support allowed me to pursue my own path

To C. John Sommerville: *quis dabit historico quantum daret acta legenti?*—Juvenal, *Satire VII*

To my advisor, J.C.D. Clark, who taught me the importance of knowing what the question was before attempting to answer it

Pro Joseph Ratzinger, Benedictus PP. XVI, qui est exemplum fortitudinis intellectus, et moriae agendi officium suum de amore

# INTRODUCTION

This dissertation examines the life and career of Roger L'Estrange, an unsuccessful soldier and prisoner for the king, royalist pamphleteer and Tory apologist, licenser of books and Surveyor of the Press, scourge of Protestant dissent and the first Whig party, literary translator and amateur musician. His public career spanned nearly forty years, and L'Estrange's activities put him in the middle of most of the critical junctures of English political life in the seventeenth century, though he was always of figure "of the second rank"[1] in terms of power and importance. But this very fact makes him a useful subject, as one can presume his beliefs and outlook on public life were not exceptional, as in the case of writers such as John Locke or Thomas Hobbes, and so more characteristic of the age in which he lived. This study of his life is both matter and occasion for attempting to answer a simple but daunting question: how did people conceive of "public" life in seventeenth century England, and how did their conceptions change in the course of the century?

The answer that this study of his life will make to the question posed above is that the presuppositions that allowed people to make distinctions between what counts as public and private differ in crucial ways from those which undergird contemporary presuppositions about public life, and that those presuppositions only began to change at the end of the seventeenth century. In particular, it will argue that the presuppositions of seventeenth century Englishmen about public and private life differ from the influential theory of the "public sphere" articulated by the German philosopher Jürgen Habermas, so

[1] Kitchin, *Sir Roger L'Estrange* (London: Kegan, Paul, Trench, Trubner and Co., 1913; reprinted, New York: Augustus M. Kel1ey, 1971), p.1.

influential among historians of the period. It will argue that these presuppositions are apparent in L'Estrange's sense of his own individual identity as it emerges from his writings. In doing so, this dissertation will argue that L'Estrange's life illustrates well two interrelated truths about early modern England. One is that there was no disjunction between a "public" persona and private "self." The other is that there were virtually no stable "private" spheres of life, activities which could be considered free of the duties and obligation which characterized public life. This is because even the most minute, seemingly private aspects of life could still be conceived the same way that public activities were: in terms of office or duty, and that other types of rhetoric (that of liberty or of rights) were largely determined by it.

No new study of L'Estrange's career has been undertaken in nearly a hundred years since George Kitchin published his biography of him. Whereas Kitchin's work focused on the legal and institutional aspects of the press, this dissertation will concern itself with the ideas and beliefs about the press that L'Estrange and his contemporaries held. Though knowledge of the institutional, legal framework under which the press operated in during the seventeenth century is crucial for understanding public debate in that period of history, this study seeks to build on the efforts of Kitchin and other historians by examining the nature of L'Estrange's basic beliefs. From this, it will demonstrate how those beliefs shaped his actions with regards to public debates in the Restoration.

Because of his involvement in so many aspects of Restoration culture, L'Estrange is now receiving serious attention as an important figure in historical studies of the period as he has not in some time, and perhaps never has before. As historians have recognized

the importance of religion to the wars of the mid seventeenth century,[2] L'Estrange has become a crucial figure, in that his activities as a licenser of books and Surveyor were rooted in his belief that dissent from the Church of England was responsible for the upheavals of his age. Scholars such as Jonathan Scott and Tony Claydon have in different ways argued that religious links with Europe shaped conflicts in England into the late seventeenth and early eighteenth centuries; these links help explain the persistence as well as the bitterness of those conflicts, and contemporaries such as L'Estrange were well aware of such continental connections.[3] His works demonstrate the saliency of religious justifications for political violence in the Restoration, as fear of "popery" (Roman Catholicism) was used to justify attacks, both in print and on the battlefield, against the restored monarchy. L'Estrange spent a large part of his career insisting that the accusation of popery was used to advance political agendas at the government's expense under the guise of religion.[4] L'Estrange's awareness of the continuing importance of religion in the affairs of seventeenth century England marks

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[2] John S. Morrill, "The Religious Context of the English Civil War," *Transactions of the Royal Historical Society*, Fifth Series, Vol. 34, (1984), pp. 155-178; Conrad Russell, *The Causes of the English Civil War* (Oxford: Oxford UP, 1990); Glenn Burgess, "Was the English Civil War a War of Religion? The Evidence of Political Propaganda," *The Huntington Library Quarterly*, Vol. 61, No. 2 (1998), pp. 173-201; Edward Vallance, "Preaching to the Converted: Religious Justifications for the English Civil War," *The Huntington Library Quarterly*, Vol. 65, No. 3/4 (2002), pp. 395-419.

[3] Jonathan Scott, *England's Troubles: Seventeenth Century Political Instability in a European Context* (Cambridge: Cambridge UP, 2000); Tony Claydon, *Europe and the Making of England, 1660-1760* (Cambridge: Cambridge UP, 2007). For his view of French Protestantism, see Anne Dunan-Page, "Roger L'Estrange and the Huguenots: Continental Protestantism and the Church of England," *Roger L'Estrange and the Making of Restoration Culture*, pp. 109-130.

[4] Caroline Hibbard, *Charles I and the Popish Plot* (Chapel Hill: U. of N. Carolina Press, 1983); J.P. Kenyon, *The Popish Plot* (London: Phoenix Press, 2000); Peter Lake, "Anti-popery: the structure of a prejudice," in *The English Civil War*, eds. Richard Cust & Anne Hughes (London: Arnold, 1997), pp. 181-210.

him out as an important figure in discussions of the period. By exploring his life and career, this dissertation will contribute to a couple of key historiographical debates in the field of early modern British history.

**I. Public & Private in Seventeenth Century England**

Much recent historiography about the growth of public debate in the early modern period has centered around the work of Jürgen Habermas and his notion of a "public sphere" emerging in early modern England, ever since the translation of his work *The Structural Transformation of the Public Sphere* in 1989. Habermas' concept of a sphere of civil society as an arena of critical rationality exercised by private individuals reflecting on the legitimacy of the state has found favor with many historians as a way of approaching the debates which occurred with the lapse of censorship during the English civil wars, and that flared up again during the Exclusion controversy later in the century. Many scholars have, however, also pointed out that the actual nature of these public debates had little to do with this rather abstract picture of rational, critical debate supposedly open to all comers, and were characterized more by polemic and invective than the sort of reflective reasoning Habermas describes.[5] Nevertheless, historians and literary scholars continue to use the concept in order to describe the emergence of modern public opinion, usually seeking to utilize some modified version of Habermas' concept. David Zaret associates the emergence of a public sphere during the years of unrestrained

[5] Jurgen Habermas, *The Structural Transformation of the Public Sphere: An Inquiry Into a Category of Bourgeois Society* (Cambridge: MIT Press, 1991) pp. 19-20; H. Mah, "Phantasies of the Public Sphere: Rethinking the Habermas of Historians," *Journal of Modern History*, (72) 2000; Mark Knights, *Representation and Misrepresentation in Later Stuart Britain: Partisanship and Political Culture* (Oxford: Oxford UP, 2005), p. 51.

printing during the English Civil War as the beginnings of a "democratic culture,"[6] while David Norbrook finds a public sphere developing in early Stuart England amongst republican poets and writers[7]; Steven Pincus and Peter Lake have posited (as have others) that there was not one but many different public spheres in early modern England, beginning with the Reformation,[8] while Mark Knights thinks it can still be helpful for illuminating aspects of late Stuart political culture which he says "posed and tried to answer timeless questions about the nature of representation" which are "inherent in all representative societies."[9] Much of this scholarship also builds on the work of Elizabeth Eisenstein and her notion of a "print culture" fostered by the spread of the printing press; according to Eisenstein, it was the technical capabilities of print to disperse information and store it permanently in standardized copies of texts that made possible such events as the Reformation and the Scientific Revolution.[10] On this view, one can see the printing press as providing the technological means of achieving Habermas' public sphere, where all have equal access to the same news and information, though this idea that there

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[6] David Zaret, *Origins of Democratic Culture: Printing, Petitions, and the Public Sphere in Early Modern England* (Princeton: Princeton UP , 2000).

[7] David Norbrook, *Writing and the English Republic: Poetry, Rhetoric, and Politics, 1627-1658* (Cambridge: Cambridge UP, 1998).

[8] Steven Pincus and Peter Lake, "Rethinking the Public Sphere in Early Modern England," *Journal of British Studies*, vol. 45, no. 2, (2006) ; Douglas Bruster, "The Structural Transformation of Print in Late Elizabethan England," *Print, Manuscript, & Performance: The Changing Relations of Media in Early ModernEngland*, Arthur F. Marotti and Michael D. Bristol, eds. (Columbs: Ohio State UP, 2000) pp. 49-89.

[9] Knights, *Representation and Misrepresentation*, p. 8. The need to find this "modern" type of public sphere to be universal throughout history has led at least one historian to try and find it in the middle ages: see Leidulf Melve, *Inventing the Public Sphere: The Public Debate During the Investiture Contest c.1030-1122* (Boston: Brill, 2007).

[10] Eizabeth Eisenstein, *The Printing Press as an Agent of Change: Communications and Cultural Transformations in Early Modern Europe*, 2 vols., (Cambridge: Cambridge UP, 1979). See also "*AHR Forum*: How Revolutionary Was the Print Revolution?" *American Historical Review*, vol. 107, no. 1, 2002, pp. 84-128. Eisenstein's thesis on the effects of print is in turn largely based on the ideas of Marshall McLuhan and Walter Ong.

existed a unitary "print culture" in early modern Europe has been challenged as well, most notably by Adrian Johns.[11]

My dissertation differs from these types of approaches toward public debate in seventeenth century England in two ways. One has to do with how people in early modern England defined concepts of public and private. In particular, most of these historians seem to presuppose Habermas' idea that what constituted public and private in the seventeenth century were spheres of activity that were clear and distinct areas of life recognized as "public" and "private"—with government or discourse about government usually being public and, for example, the family constituting the "private realm."[12] My dissertation takes issue with this position, and following Conal Condren, will argue that such conceptual clarity did not characterize the way contemporaries thought of public and private in seventeenth century England. The main reason for this is that both public and private distinctions were dependent upon a more basic idea of office, of reciprocal obligation and duty, which shaped people's ideas of activities that modern thinkers might see as intrinsically private, such as marriage or family, but that this was not the case in the seventeenth century.

The conception of *officium* goes back to classical antiquity, and was popularized in the Renaissance through translations of Cicero's *De Officiis*, a work which L'Estrange

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[11]See Johns' response to Eisenstein in "How Revolutionary Was the Print Revolution?" pp. 106-25. See also Johns' book *The Nature of the Book: Print and Knowledge in the Making* (Chicago: University of Chicago Press, 1998),
"Introduction: the Book of Nature and The Nature of the Book," pp. 1-58

[12] Habermas, *Structural Transformation*, pp. 43-51.

himself translated and was a popular text in grammar schools of the day.[13] The word "office" had a variety of meanings in the seventeenth century. It could denote a duty or moral obligation which was expected of someone who held public authority, the performance of any duty or service assigned to someone, a generic duty or service toward others, any sort of kindness or service rendered toward someone ("good offices"), as well as a more general sense of the thing or action that is expected of someone.[14] Such language was a commonplace of the times, partly because the government lacked a salaried bureaucracy, and so government both at the national and local levels primarily consisted of "small knots of men to whom authority was delegated"; office holding was wide spread in early modern England, meaning that government was a much more informal, personal affair than it has become since the nineteenth century.[15] Not surprisingly, the need to emphasize an ideal anchored in reciprocal personal obligations and their performance was felt more acutely in such a society than in contemporary Western societies. This at least is what this dissertation shall argue of L'Estrange and his contemporaries.

One practical consequence related to this presupposition of office which shaped L'Estrange's view of public and private life was the wide spread use of oaths to bind

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[13] See his *Tully's Offices* (London: Henry Brome, 1680) Wing C4309, at the height of the Exclusion Crisis. References to primary sources will include catalogue numbers from the Wing, Short Title Catalogue or English Short Title Catalogues unless otherwise noted.

[14] "Office," *n. OED Online*. Sept. 2010. Oxford University Press, October 5, 2010. <dictionary.oed.com/cgi/entry/00330463>

[15] Steve Hindle, "The Political Culture of the Middling Sort, 1550-1700," *The Politics of the Excluded, 1500-1850*, ed. Tim Harris (Houndsmill, Basingstoke, Hampshire; New York: Palgrave, 2001), p. 126; G.A. Aylmer, "From Office Holding to Civil Service: The Genesis of Modern Bureacracy: The Prothero Lecture," *Transactions of the Royal Historical Society*, Fifth Series, Vol. 30 (1980), pp. 91-108; Mark Goldie, "The Unacknowledged Republic: Officeholding in Early Modern England," *The Politics of the Excluded*, pp. 153-194.

people to perform their duties. Conal Condren, in examining the presuppositions of office in early modern England, has argued for the continuing significance of oaths associated with office into the eighteenth century. He has noted that even writers noted for the apparent modernity of their ideas still thought largely in these terms. Locke, in his *Second Treatise*, says that the "*Oaths of Allegiance* and Fealty" taken by kings are "nothing but an *Obedience according to law*, which when he violates…he degrades himself into a private person."[16] Gerrard Winstanley, the leader of the Diggers, still thought of the family as part of a chain of offices connecting the whole country,[17] and in addressing the government in 1650 he wrote that "you have set Christ upon his throne in England by your promises, engagements, oaths and two acts of parliament: the one to cast out kingly power, the other to make England a free commonwealth."[18] Even Thomas Hobbes, who wished to diminish the significance of oath taking, did so in order to diminish the sphere of any office other than that of the sovereign, as oaths could be taken to limit the sovereign in certain ways, such as the clause in the coronation oath requiring the king to uphold the Church of England, for example. A clause had been inserted into the coronation oath by the Tudors kings which bade them to uphold the "Liberties of Old time granted…to the holy Church of England" and the failure of James II to do so was one of the justifications for Parliament declaring that he had abdicated his throne in

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[16] John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge UP, 1988), 2.151.
[17] Conal Condren, *Argument and Authority: the Presupposition of Oaths and Offices* (Cambridge, New York: Cambridge UP, 2006), p. 61.
[18] Gerard Winstanley, "A New Year's Gift to Parliament and the Army," in *Divine Right and Democracy*, ed. David Wooton (Harmondsworth, Essex, UK; New York: Penguin, 1986. Reprinted Indianpolis, IN; Cambridge: Hackett, 2003), p. 328.

1688.[19] The implications for taking or not taking oaths could be serious. L'Estrange directed much of his enmity towards Presbyterians for their imposition of the Solemn League and Covenant, which to him violated the oath of allegiance to the king; he complained often that he was asked to take the Covenant while he was in Newgate prison, as a condition of his being reprieved from execution.[20] Moreover, oaths were not limited to activities which were of life and death importance but were applied for all sorts of offices, even the most menial of them. For example, Condren has noted the publication of *The Booke of Oathes* in 1649, in which was printed an oath for midwives, detailing duties and rights pertaining to that office, one of the longest such oaths in the book, as well as oaths of matrimony. It also contained oaths to be taken by inhabitants of the king's forests, as well as offices which were public enough but which one might think would not necessarily require an oath, such as that for the "Scavenger" of London who was to swear that he would, among other things, make sure that in his Ward "the Ways, Lanes and Streetes be cleansed of Dung."[21]

Oaths were especially pertinent to issues of allegiance and duty, and therefore played a large role in matters of law and conscience. For L'Estrange this largely meant obeying the king, and his zealous, draconian efforts at ferreting out seditious printers, as well as his espousal of passive obedience, are what have gained him the opprobrium of

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[19] Condren, *Argument and Authority*, pp. 76, 266-67, 309-10; David Martin Jones, *Conscience and Allegiance in Seventeenth Century England* (New York: University of Rochester Press, 1999), pp. 25-26; *The Booke of Oathes* (London: W. Lee, M. Walbancke, D. Pakeman, and G. Bedle, 1649) Wing G264, p. 3.

[20] *L'Estrange His Apology: With a Short View, of some Late and Remarkable Transactions, Leading to the happy Settlement of these Nations under the Government of our Lawfull and Gracious Soveraign, Charles II* (London: Henry Brome, 1660) Wing L1200, p. 2.

[21] Condren, *Argument and Authority*, p. 40; *The Booke of Oathes*, pp. 284, 271, 300, 21.

scholars who are naturally more sympathetic to his targets. But his activities were part of a way of thinking about allegiance that was common in early modern England. David Jones has shown, for example, that the courts of Chancery and Star Chamber, even before the time of the Reformation, began to represent the "supervening claims of equity…over legal issues of conscience" in common law, correcting errors of judgment in cases, so that by the sixteenth century and the extension of the Crown's powers at the Reformation, these types of courts acted as a sort of public "conscience" for the realm.[22] Conscience itself was often conceived of as a court or a judge which reminded individuals of their duties to God and man, and it is no coincidence that L'Estrange in his pamphleteering efforts saw his own office as precisely that.[23] He often claimed his purpose was "the Plain, Honest Business of disposing the Common People to their Obedience" or to "Redeem the Vulgar from their Former Mistakes, and Delusions, and to preserve them from the like for the time to come"; L'Estrange often wrote and acted as if he saw himself as the voice of the government's conscience, reminding the "public" of their duty—namely, to obey the king, and not interfere in politics.[24] The important feature of the way L'Estrange and his contemporaries thought of conscience was that it was not merely a private faculty belonging to individuals, but was also considered by many an

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[22] David Martin Jones, *Conscience and Allegiance*, p. 40.
[23] Samuel Fisher, *The Bishop Busied beside the Business*, quoted in Jones, *Conscience and Allegiance*, p. 188; Condren quotes one Quaker author who wrote that, "every man is a little world within himself, and in this little world there is a court of judicature erected, wherein next under God the Conscience sits as the supream judge…that passeth sentence on all our actions," Sir Thomas Browne said of it that "conscience…sits in the Areopagy and dark tribunal of our hearts surveying our thoughts and condemning their obliquities." Browne, *Christian Morals,* quoted in Condren, *Argument and Authority*, p. 132.
[24] *L'Estrange His Apology*, "The Preface," B3; *The Intelligencer*, no. 1, Monday August 31, 1663, State Papers Domestic 29/79/113, hereafter SP; Jones, *Conscience and Allegiance*, p. 173-74.

aspect of government, of public life, something that would make no sense in Habermas' theory. Chapter four will examine how it was possible to conceive of the government as having a "conscience," and its relationship to government efforts to regulate the press; it will argue that the idea that rulers had a duty to see the beliefs of their subjects is what made it possible for L'Estrange and others to believe government suppression of "seditious" writings was morally acceptable in a way that would be unthinkable in the modern world.

According to Condren, the language of office was so ubiquitous and flexible that nearly any activity or sphere of life could be described in its terms, a quality that he has referred as "the liquid empire of office."[25] One result of this is that seventeenth century writers rarely if ever distinguished a private realm of domesticity from public life, as Habermas maintained, in a stable or coherent way.[26] Condren has argued that the public/private distinction of Habermas has to be smuggled into the seventeenth century by historians, and probably did not exist until the 19th century.[27] L'Estrange referred often in his writings to the "Offices of Humanity," those duties one has to family, country, religion and friends. Of these, all but country would taken as constituting private realms of life today, but it was not so clear cut for L'Estrange and his contemporaries. Friendship, for example, was something considered in terms of the same vocabulary of service they applied to kingship or parliaments; when recalling his early attempt to find a place at court late in his autobiography, Richard Baxter noted that he

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[25] Condren, *Argument and Authority*, p. 61.
[26] Condren, *Argument and Authority*, p. 75; Condren, "Liberty of Office and its Defence in Seventeenth Century Political Argument," *History of Political Thought*, Vol. 18, pp. 460-482.
[27] Condren, *Argument and Authority*, p. 75.

met a "sober, godly understanding apprentice" of a London bookseller named Humphrey Blunden, who afterwards wrote him "Consolatory Letters and Directions for Books" which he says did him "the Offices of a Useful Friend." Writers couched religion in the language of office in the same way that they wrote of civic government, and even when speaking of what one could easily see as private religious experiences they could employ the same language for it. In *Grace Abounding to the Chief of Sinners*, John Bunyan's account of his conversion experiences, he described how after his change from worldliness to faith in Jesus that he was "not now looking upon this and that benefit of Christ apart…but considered him as a whole Christ! as he in whom all these, and all his other virtues, relations, offices and operations met together," and that when he began preaching he "did labour much to hold forth Jesus Christ in all his offices, relations, and benefits to the world."[28] In short, members of seventeenth English society were shaped by a tacit ideal of reciprocal duty and service embodied in the language of office.

For L'Estrange and his contemporaries there was no sphere of private "autonomy," if by that one means a realm in which liberty is conceived apart from the performance of duties. But as Condren has argued, one could hardly make such a distinction in the seventeenth century. Liberty was a privilege of office, a necessary latitude in fulfilling the expectations of duty attached to a particular persona; hence, parliamentary defenders claimed "liberty" to counsel the king freely, and the Stuarts

[28] Richard Baxter, *Reliquiae Baxteraniae* (London: Thomas Parkhurst, J. Robinson, F. Lawrence and F. Dunton, 1696) Wing B1370, p. 11; John Bunyan, *Grace Abounding to the Chief of Sinners*, ed. W.R. Owens (London, New York: Penguin, 1987), pp. 59, 70.

claimed their prerogative as kings, all within the registers of office.[29] When this latitude was taken too far, it was called "license," but the distinction between the two was always tricky, and it was over questions of who had abused their liberty that the great conflicts of the century were fought. There was little room for any notion of individual autonomy in a world where "people's sense of a divinely ordained system of duties" was the glue of human life, and freedom could be defined in terms of subordination to God;[30] even in the early eighteenth century a self-proclaimed "free-thinker" could ground his right to freedom of inquiry in his duty to seek truth.[31]

The vocabulary of office was defined by nominal definitions. Offices had their meaning through mutually opposing terms which indicated the abuse of office, as well as through relationship with other offices.[32] This often came to light when office holders either did not fully satisfy expectations or violated the terms of their office by exceeding its perceived limits. The language of kingship had its opposite in tyranny, whereas the office of minister or priest had its corresponding register of abuse in the language of

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[29] Condren, *Argument and Authority*, pp. 90-92; Condren, "Liberty of Office and its Defence in Seventeenth Century Political Argument," *History of Political Thought*, Vol. 18, pp. 460-482

[30] David Wooton, *Divine Right and Democracy: An Anthology of Political Writing in Stuart England*, (Indianapolis: Hackett, first edition 1986; 2003), "Introduction," p. 61; J.C. Davis, "Religion and the Struggle for Freedom in the English Revolution," *The Historical Journal*, Vol. 35, no. 3, (Sept. 1992), pp. 507-530.

[31] Anthony Collins, *A Discourse of Free Thinking* (London: 1713) ESTC T31967, pp. 5-6, 32-35. Collins says that "the Whole Duty of Man with respect to Opinions lies only in *Free-Thinking*," p. 32. For how "free-thinking" morphed into "freedom of thought" in the eighteenth century, see Peter N. Miller, "'Free Thinking' and 'Freedom of Thought' in Eighteenth Century Britain," *The Historical Journal*, Vol. 36, no. 3, (Sept. 1993), pp. 599-617. Wooton correctly argues that Bernard Mandeville's description of human nature marks a break in the *Fable of the Bees*, but even Mandeville still defines religion in terms of teaching the duties that men owe one another. See his *Free Thoughts on Religion* (London: T. Jauncy and J. Roberts,1720) ESTC T59022, pp. 1-2, 8-9.

[32] Condren, *Argument and Authority*, pp. 27-29.

popery. Different people might interpret the duties of office differently, of course, and this is what led to such violent conflicts between those who had different ideas about what constituted tyranny or popery. For L'Estrange, the advocate of divine right monarchy, Calvinist inspired theories of resistance to monarchy were the very inversion of one's office to the king, which was obedience, and the effects of following such rebellious ideas were quite natural—anarchy and civil war.[33]

Disagreements over the nature of public authority and the offices which bore such authority were central to many of the debates in which L'Estrange and his contemporaries engaged. One consequence of such disagreement was that, at the Restoration, during the Exclusion Crisis and the Revolution of 1688, public debates often took place in what their participants saw as a state of emergency, which justified appeals to the people at large that were normally not considered legitimate. During times of crisis, it was considered legitimate for those without public office to act on behalf of the common good—even violently so, if the country was in danger of falling into tyranny.[34] The nature of such ideas will be discussed in greater detail in chapter three, but understanding that this was a feature of early modern discourse about public life lets us see how provocative appeals to the "people" or the "public" could be, when they could

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[33] L'Estrange wrote that the Solemn League and Covenant was "a Public League, of Opposition, and of Violence" and the oath it enjoined was "an Oath of Anti-Canonical Obedience, and of Anti-Monarchical Allegiance…A Religious Abjuration of the King and the Church," illustrating this mutually defining sense of office in a tract against the Presbyterians. See his *State-divinity; or A supplement to The Relaps'd Apostate* (London: Henry Brome, 1661), Wing L1311, pp. 6-7, 9.

[34] Robert von Friedeburg, "Introduction," *Murder and Monarchy: Regicide in European History, 1300-1800* (New York: Palgrave MacMillan, 2004), pp. 8-10; Conal Condren, "The Office of Rule and the Rhetorics of Tyrannicide in Medieval and Early-Modern Europe: An Overview," *Murder and Monarchy: Regicide in European History, 1300-1800*, pp. 50-51.

implicitly threaten with violence a monarch or ruler whose legitimacy was being put into question. L'Estrange and many of his contemporaries often cited a state of public emergency as justification for their publishing activities—in L'Estrange's case, to defend *against* what he saw as spurious attempts to destabilize the monarchy by invoking fictitious claims of public emergency; in the case of his opponents, they believed that England was being led into popery and tyranny. Historians such as Mark Knights and David Zaret have emphasized that the printing of pamphlets questioning the government helped legitimate such debate, but overlook that there was already a justification for debate available to people in the seventeenth century. The important caveat was that such appeals were supposed to be made only in extreme emergencies. The process by which those appeals came to be seen no longer as extreme remedies but as the normative way of resolving public conflicts took place over a long period of time. What this dissertation will argue is that such a process was only beginning in the seventeenth century.

**II. Office & Identity**

As the presuppositions of office were ubiquitous, they not only formed beliefs about human activity at a collective level of public life, but also at an individual level. For this reason, this dissertation will also consider L'Estrange's sense of his personal identity, and how it was shaped by his own view of the offices he bore. Thus this dissertation will contribute to debates about how people conceived of personal identity in the early modern period. Some historians have posited the existence of a discourse of "self" as distinct from the mere pronoun associated with one's person in the writings of French humanists of the late sixteenth and early seventeenth century, in particular that of

Michel de Montaigne. These writers are sometimes associated with a Neo-stoic movement that revived the works of Seneca and Tacitus, which early modern scholars translated from their French and Dutch originals into English in the early seventeenth century, and helped spur critical examination of "the boundary between public *persona* and private self" in the early modern period. L'Estrange could be seen as a product of this Neo-stoic movement, as he himself translated both Cicero's *De Officiis* as well a selection of Seneca's works, which were two of his most popular translations that he published in his lifetime.[35] Karl Weintraub has argued that the upheavals of the sixteenth and seventeenth centuries led some writers to put into question earlier models of human personality[36] and shift away from them to a focus on the individual, culminating in the emergence the "self"; such genealogies usually begin with writers such as Montaigne, moving through perhaps some of the more intimate religious writers of period, such as Teresa of Avila or John Bunyan, along with other examples of autobiography which are supposed to evince a sense of interiority.[37] A similar the thesis was put forth by the Spanish historian Jose Antonio Maravall, who posited that there was a European wide social crisis brought on by economic changes, which led to a "crisis of individualism that

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[35] Geoff Baldwin, "Individual and Self in the Late Renaissance," *The Historical Journal*, Vol. 44, No. 2 (Jun., 2001), pp. 341-364; J.H.M. Salmon, "Seneca and Tacitus in Jacobean England," *The Mental World of the Jacobean Court*, ed. Linda Levy-Peck (Cambridge: Cambridge UP, 1995), pp. 169-188; Line Cottegnies, "'The Art of Schooling Mankind': The Uses of the Fable in Roger L'Estrange's Aesop's *Fables* (1692) *Roger L'Estrange and the Making of Restoration Culture*, pp. 145-148.

[36] Karl Joachim Weintraub, *The Value of the Individual: Self and Circumstance in Autobiography* (Chicago & London: U. Chicago Press, 1976), 166-195, on Montaigne. The idea itself originates with Jakob Burckhardt in his *The Civilization of the Renaissance in Italy*.

[37] Nicholas D. Paige, *Being Interior: Autobiography and the Contradictions of Modernity in Early Modern France* (Philadelphia: U. Pennsylvania Press, 2001); Weintraub, *The Value of the Individual,* chapters 9-10.

all realms were acquainted with in the seventeenth century" and subsequently a greater stress on individual persons.[38] Other authors note the distinction between a public and a private self as culminating philosophically in the works of Descartes and John Locke; Charles Taylor has found the seeds of what he has called "the modern identity" in the detached reason which stands back from and rationally criticizes both custom and authority but also one's own passions in order to remake one's self in light of rational standards of conduct.[39] Taylor has argued that this is only a part of the modern identity, which would in the course of the eighteenth century acquire an aspect he calls "expressivism," the idea that how one expresses one's self not only communicates one's identity but in fact creates it anew as well.[40] Though Taylor, like other scholars, has found other aspects of modern selfhood in later periods, all of these authors find its source or its main sources in one form or another in the seventeenth century. Other types of arguments, influenced either by Max Weber and his thesis that Protestantism promoted interiority and individuality or by Stephen Greenblatt's theory of "self fashioning."[41] The evidence for such a thesis in early modern England comes largely from diaries and autobiographies, especially by Protestants who can be labeled as Puritans, or those of a Puritan background, such as the diary of Samuel Pepys.[42] This understanding of a

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[38] Jose Antonio Maravall, *The Culture of the Baroque: Analysis of a Historical Structure*, trans. by Terry Cochran (Minneapolis: U. Minnesota Press, 1986), 28.
[39] Taylor, *Sources of the Self*, 159-176.
[40] Taylor, *Sources of the Self*, p.374.
[41] Andrew Cambers, "Reading, the Godly, and Self-Writing in England, circa 1580-1720," *Journal of British Studies,* vol.46, no.4 (2007), pp. 796-8; Greenblatt, *Renaissance Self-Fashioning: From More to Shakespeare* (Chicago: U. Chicago Press, 1980).
[42] Cambers, "Reading, the Godly, and Self-Writing in England," 800-804; Mascuch, Michael, *The Origins of the Individualist Self: Autobiography and Self-Identity in England, 1591-1791* (Stanford: Stanford UP, 1997); James S. Amelang, "The

"modern self" developing in the period harmonizes with Habermas' notion of the emerging distinction between public and private realms in the early modern period, in that the "interior" space of the individual self is opened up when the public and private spheres become distinguished from each other.[43]

This dissertation takes issue with the idea that a peculiarly "modern" idea of individual identity emerged in the seventeenth century, and argues that two aspects of what some historians consider to be crucial to modern notions of identity were not yet apparent in the seventeenth century or existed in different forms than they presuppose. The first is the purportedly modern sense of individuality found in many spiritual writings of the period. As Michael Mascuch has noted, the various spiritual diaries and notebooks of the period were not written to establish the "original, autonomous personalities" of their authors, but to establish their relationship to God, the supreme Author, in whom they found their identity.[44] One could find one's bearings as an individual outside social ties but usually only in relation to God, not to one's completely self-made identity. The other aspect is what Taylor calls "expressivism," the idea that how one expresses one's self not only communicates one's identity but in fact creates it anew as well.[45] Print can be seen as facilitating such "self-fashioning," to the extent that it makes the ability to publicize one's own sense of identity more available to people in different social classes. But it hardly means that everyone identified themselves with

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Bourgeois," *Baroque Personae*, ed. Rosario Villari (Chicago & London: University of Chicago Press, 1995) pp. 326-29.

[43] Habermas, *Structural Transformation*, pp. 43-51.

[44] Mascuch, *Origins of the Individualist Self*, pp. 70, 96; Cambers, "Reading, the Godly, and Self-Writing," pp. 796-807. Cambers notes interestingly that modern editions of 17th century autobiographies sometimes edited them in ways that obscured their original meaning.

[45] Taylor, *Sources of the Self*, p.374.

their book, as did Montaigne. Certainly if one associates the "self" or the "modern identity" with the idea of personal autonomy, that individuals are free to choose an identity, or that the identity of individuals precedes (and is perhaps opposed to) that of a given social order, then it has little to do with L'Estrange. Such an idea is supposed to contrast it with a "pre-modern" identity, in which human agents base their identity on ties to institutions or collective bodies, rather than on their own unique individual selves. The unspoken assumption in all this is that "pre-modern" actors lack true agency, and therefore are not truly individuals in the sense that "modern" people are.[46] This seems to parallel the assumption that societies prior to the advent of print did not possess a fully "public" culture, because it was not in theory open to all.[47]

That the amount and character of debate which permeated late seventeenth century England changed its culture I do not dispute, only the nature of that change. There is something to be said for the idea that originated with Jacob Burhkardt, and which scholars like Weintraub and Maravall have picked up on: that the various European crises of the seventeenth century led to men and women being thrown back on their own resources, being forced by the "dramatic necessity to pay attention to themselves"[48] to "know all the resources of their inward nature."[49] L'Estrange at several moments during his career seemed to despair that his superiors would do their duty as he understood it, and so undertook to defend the monarchy or the Church of England on his

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[46] This assumption is explicit in the work of Jacob Burkhardt and others who followed him, particularly Eisenstein, *Printing Press*, pp. 229-232.
[47] Habermas, *Public Sphere*, p. 55; Zaret, *Origins*, p. 262-279; Knights, *Representation*, p.5.
[48] Maravall, *Culture of the Baroque*, p. 170.
[49] Jacob Burkhardt, *The Civilization of the Renaissance in Italy: An Essay* (London: Phaidon Press, 1965), p.82.

own. But his efforts were intended to uphold what he took to be the order of the world as he understood it, undertaken in an acknowledged state of emergency, and he intended to uphold that order, not to replace it. And as with beliefs about the legitimacy of public debate, his "fashioning" of his identity as took place in L'Estrange's writing was not intended to be normative. And even if such changes in belief about what constituted one's individual identity did take place as an unintended consequence of the normalizing of public debate, they did not happen quickly. Traditional notions of identity, bound up with the demands of *officium*, were powerful enough to form the bases of both personal identity and public order in the seventeenth century and beyond. People could and did participate in such public debate without it altering their basic conception of personal identity, even as they did adapt to the new social spaces created by such debate. This will become clear as the dissertation moves from these types of abstractions to the particulars of L'Estrange's own writings.

This dissertation argues that L'Estrange's sense of his identity—one shaped by concern for duty and around a particular sense of his own persona—is more important for understanding his age than any of the ideas cited above. Instead, it will argue that the antique notion of a *persona* is more central to understanding L'Estrange and the world in which he moved than any modern conceptions of identity. Condren has defined a persona as being the "realization and representation of a character, or type," around which the duties of offices coalesced, but the idea of a mask or a persona which one wears is known from the literature of antiquity.[50] In this idea, the type of mask or persona one takes was thought to express the wearer's own identity, and was not seen as

[50] Condren, *Argument and Authority*, pp. 6-7.

a substitute or some sort of "fashioned" replacement for the poet or speaker's identity.[51] A persona or role was something that one performs, but so also was one's identity, so that what one does is equivalent to who one is. Thus to alter one's idea of what one is to perform—one's role or office—is to destroy the man or woman themselves, for they cannot be separated. This idea was transmitted via the literary theory of the ancient world to the early modern period, in particular via Horace, whose notion of *decorum personae* or character as a function of social station was well known in Renaissance England, an idea well suited to "a hierarchical social order."[52] In Shakespeare, for example, the figure of *Coriolanus* simply *is* the aristocratic scourge of the common people he portrayed his character to be, so much so that only death could separate him from it, and in his kings such as Richard II and Lear one finds similar characters.[53] Its antithesis also appears in Shakespeare, in characters who can assume different roles seemingly at will, such as Iago, who are capable of playing many roles, sometimes at once (something very like the "self-fashioning" lauded by historians and literary critics), and thus represented the opposite pole of the ideal of stability, a fear of which was pervasive.[54] But this sense of personae does not imply that it was comfortable or problem free, or that identity was a simple matter and only became complex with the advent of "modernity." It is easy to idealize such a conception of individual identity, but in the

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[51] Diskin Clay, "The Theory of Literary Persona in Antiquity," *Materiali e discussioni per per l'analisi dei testi classici*, No. 40, (1998), p. 10.
[52] John S. Coolidge, "Martin Marprelate, Marvell, and Decorum Personae as Satirical Theme," *Proceedings of the Modern Language Association*, Vol. 74, no. 5, (Dec., 1959), pp. 526-532.
[53] Philip Edwards, "Person and Office in Shakespeare's Plays," *Proceedings of the British Academy*, Vol. LVI, (1972), pp. 93-108.
[54] Edwards, "Person and Office," p. 105; Condren, *Argument and Authority*, pp. 144-45. Also see Chris Mounsey, "Persona, Elegy, and Desire," *Studies in English Literature, 1500-1900*, Vol. 46, no. 3, Summer 2006, pp. 601-603.

early modern period as in the ancient world it was in reality more complicated to judge which offices took precedence over others and to whom one owed allegiance than it was in theory. Contemporaries were all too aware that the demands of one office might conflict with another, and they idolized stability and order perhaps because the relationships between various duties and offices were not always very clear.[55] Yet I will argue that, though problematic, this ideal of a unified persona gave a kind of rough integrity to L'Estrange's sense of himself throughout his life. Just as office holding was widespread in early modern England, and the idiom of office was crucial to public life in the period as well, so too the personae of office holding played a crucial role in how contemporaries negotiated the boundaries of their private and public lives.[56]

Examining L'Estrange's persona will also help us understand the effects of print technology on public debate. In the case of L'Estrange, the power of disseminating texts that the printing press made possible allowed him to construct a persona in print as a great defender of the government in Church and State, but it also allowed others to construct an alternative persona for him—that of a crypto-papist whose doctrines were undermining the Protestant cause and flattering tyrants who wanted to dispense with the "people's" liberties. My dissertation agrees with Eisenstein's thesis insofar as it argues that the introduction of print technologies made it possible, for those who were willing to

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[55] David Burchell, "Civic Personae: MacIntyre, Cicero, and Civic Personality," *The History of Political Thought*, Vol. 19, (1988), pp. 109-114. Burchell criticizes Alasdair MacIntyre's conception of the unity of a pre-modern identity as being too focused on the extreme types of the hero in antiquity, and though I agree with his criticism to an extent, I think it underestimates the extent to which consistency and unity in one's life were prized, if not always pursued with the clarity of MacIntyre's depiction.

[56] Condren, *Argument and Authority*, 89-90. Paul Doumchel, ""Persona": Reason and Representation in Hobbes' Political Philosophy," *SubStance*, Vol. 25, No. 2, Issue 80 (1996), pp. 68-80, argues that the idea of a persona was crucial to Hobbes' theory of representation.

risk it, to publicize such "unofficial" personae by making it easier to disseminate texts via the press. This point is important to emphasize, as though there is no essence or telos embodied by print technology—it does not lead ineluctably to either democracy or the public sphere—but it did make it easier to get certain claims heard or read, to make them more widely available. However, what I think L'Estrange's case can illustrate is the limitations of this capacity for dissemination. Just as Johns disputes the notion implicit in the idea of "print revolution" that "the distribution of printed materials equaled the diffusion of knowledge," this dissertation will dispute the notion that texts became "public" by virtue of their being printed widely.[57] What the work of historians such as Knights seems to be arguing is that the increasing volume of published materials meant a vastly increased "public," and that collectively created something like Habermas' "public sphere." There is no doubt, of course, that with increasing literacy the size of the political nation did increase, but what Johns' work suggests is that such a diffusion of published texts did not guarantee the stability of the "public" realm but rather made it all the more contestable and disputed.

It might well be true that L'Estrange, with his loud and constant assertions of his loyalty, could be characterized as a "baroque" persona along the lines that Antonio Maravall has sketched out. Certainly, Roger L'Estrange spent his whole life responding to what he thought was a dire threat not only to the monarchy but also to the entire social and political order as he understood it. But the upheavals of the century didn't alter his sense of his own persona but sharpened it, and he came to identify even more closely with those institutions, namely the monarchy and the Church, with which it was bound

[57] Johns, "AHR Forum: How to Acknowledge a Revolution," p.118.

up. He thought of his life as fulfilling the duties of that persona and this dissertation will argue that most of his contemporaries thought in the same way. Even a figure like Montaigne, so concerned with his own peculiar habits and characteristics, could hardly think in terms other than those of *officium*. In his essay "On the Managing of the Will," he wrote that "those who know how much they owe to themselves and by how many offices are obliged to themselves, find that nature has given them this commission full enough and not idly. You have enough affairs at home, and no need to go outside." (Ceux qui scavent combien ils se doivent et de combien d'offices ils sont obligez à eux, trouvent que nature leur a donné cette commission plaine assez et nullement oysifve. Tu as bien largement affaire chez toy, ne t'esloingne pas).[58] Baxter, in a passage inserted into his *Reliquiae Baxterianae* long after the narrative itself was written, spoke of his own "internal" religious experiences in largely "official" terms, saying that whereas once he had attended to outward things, "I am now much more troubled for Inward Defects, and omission or want of the Vital Duties, or Graces in the Soul," or that where he once looked on his own sins more than anything else, "now my Conscience looketh at Love, and Delight in God, and praising him, as the top of all my Religious Duties."[59] If this was the case with Baxter, it was much more the case with L'Estrange, as there is no evidence he ever wrote an autobiography, kept a diary, or had any kind of interior life, religiously speaking. For L'Estrange, there was no distinction between a public persona

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[58] Michel de Montaigne, *Les Essaisde Michel de Montaigne*. Fifth ed. (Paris: 1588), BK. III, chp. 10, p. 1004, *The Montaigne Studies Project*. http://www.lib.uchicago.edu/efts/ARTFL/projects/montaigne. The English is my translation.

[59] Baxter, *Reliquiae Baxterianae*, pp. 128-29.

and a private "self," for the expectations of office and the personae that embodied those expectations shaped his private as well as his public life.

The press helped to facilitate the production not of self-consciously created "selves" but mass produced personae, trading on assumptions about office which could be deployed for polemical purposes. Scholars sometimes take the increase in press output in the later seventeenth century to have created an impersonal "public" to which everyone could appeal.[60] But the move to invoke the "public" did not mean that a "community of the whole nation" was "called into being" by invoking the term, nor could it possibly be a "composite of real people."[61] Rather what contemporaries in the seventeenth century attempted to do was construct a typology of persons, of those who were fit to be part of the "public" life and those who were not, in order to convince their readers (who usually amounted to a rather small part of the nation) that their enemies were in the latter camp. Thus L'Estrange not only defended his own persona and reputation against attacks by his opponents, he also delineated the character types of his opponents in order to denigrate them and expose them, as he saw it, for their seditious motives and beliefs.

L'Estrange was at times extreme in his rhetoric,[62] but such extremity was typical of the period in which he lived, in which government was still largely an interpersonal affair, not yet governed by the large, bureaucratic structures which dominate Western

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[60] Geoff Baldwin, "The 'public' as a Rhetorical Community in Early Modern England," *Communities in Early Modern England*, eds. Alexandra Shepard & Phil Withington (Manchester: Manchest UP, 2001), pp. 199-212.
[61] Baldwin, "The 'public' as a rhetorical community in early modern England," 206.
[62] Beth Lynch, "Rhetoricating and Identity in L'Estrange's Early Career, 1659-1662," *Roger L'Estrange and the Making of Restoration Culture*, pp. 14, 20.

European and North American societies today.[63] This is especially true when one considers the size of the "public" in early modern England and even in Europe as a whole would have necessarily been much smaller, and so would have been that much more intimate, that much more interpersonal. To give a non-political example, Henry Oldenburg, the secretary for the Royal Society, may have had thirty or forty correspondents for his *Transactions*, meaning that one could potentially have been personally acquainted with the entire membership of the Society itself, hardly a possibility today.[64] Similarly, L'Estrange may very well have known most of his enemies personally, as the "public" he addressed was largely confined to London.[65] Even later in the early eighteenth century, when the readership of the London periodical press had really become largely anonymous, this process of constructing personae continued in the various "club" images with which readers could identify; it was this way that editors could create a sort of brand name, much in the way that earlier readers in the 1670s and 80s must have read publications and pamphlets by identifying them as "Whig" or "Tory," depending upon their allegiance.[66] The difference is that those earlier allegiances were probably formed by personal ties in London, in coffee houses and taverns, before they became print personae by which readers identified themselves politically. Though

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[63] Craig Muldrew, "From a 'light cloak' to an 'iron cage': historical changes in the relation between community and individualism," *Communities in Early Modern England*, pp. 156-179.

[64] I owe this observation to my colleague, Ryan Fagan.

[65] In one of his pamphlets against Titus Oates, he claimed that, "the Oates's, and the L'Estrange's are two Names very well known in Norfolk," *Discovery upon Discovery* (London: Henry Brome, 1660) Wing L1221, p. 18.

[66] C. John Sommerville, *The News Revolution in Early Modern England* (New York & Oxford: Oxford UP, 1996), pp. 148-152; T.N. Corns, W.A. Speck, J. A. Downie, "Archetypal Mystification: Polemic and Reality in English Political Literature, 1640-1750," *Eighteenth Century Life* 7 (1982), pp. 1, 9-24.

writers may have invoked and created an anonymous public in the seventeenth century England, it was certainly not an impersonal one.

And as the case of L'Estrange will demonstrate, the more intimate nature of public relationships in his time did not mean less conflict, but more: Craig Muldrew has pointed out that "conflict exists where co-operative bonds are the *most* interpersonal," because in "such close relationships there is the most scope for argument, misunderstanding, disagreement, and disappointment," something that certainly applies to early modern England.[67] It is not surprising that L'Estrange was so hated for his activities as Surveyor of the Press when one realizes that most if not all of the printing houses in early modern London were set up in the homes of the people who operated them, often as a family run business; L'Estrange himself lived above the home of his own publisher, Henry Brome, for the better part of the Restoration. In this environment, printers were often accused of womanizing, as men often worked and lived in the same building as married women; L'Estrange was accused of a liaison with Joanna Brome, the wife of Henry. Such accusations were made constantly against those involved in the print trade, and so L'Estrange was no special case in that respect.[68] One might also mention the monarchy itself in this regard, as the most intimate aspects of royal family life were often the subject of open controversy, as during the Exclusion Crisis, since monarchy was also a family run enterprise. No precisely delineated private sphere of domesticity existed in early modern England, as both public and private life was comprised of duties and obligations based on shared notions of credit and trustworthiness, as Johns has noted in regards to the business of printing.

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[67] Muldrew, "From a 'light cloak' to an 'iron cage'," p. 161.
[68] Johns, *The Nature of the Book*, pp. 76-78.

**III. Outline of Chapters**

Chapter one will examine his early career, and his initial forays into print during the Kentish Rebellion in 1648, in which he tries to craft his persona against those of his adversaries for the first time. It will focus primarily on the defense he wrote of his involvement in the affair, his *L'Estrange His Vindication*, written in 1649 while he was in the Hague. Chapter two will deal with his efforts to bring about the monarchy's restoration, and how L'Estrange secured a reputation for himself by publishing *L'Estrange His Apology*, written in 1660 just after the Reformation, in response to efforts to blacken his reputation. It will also examine some of the tracts that he wrote before entering the government's service, which made him the voice of disgruntled Cavaliers during the early part of the Restoration.

The third chapter will examine L'Estrange's religious beliefs and specifically how they relate to notions of public and private. It will take his anti-Presbyterian pamphlets as a starting point, considering the importance of the personae of ministry to the debates surrounding the Restoration's religious settlements. It will also cover his work *Toleration Disucuss'd* (1663): it will argue that his views on toleration were related to religiously inspired theories of regicide in the period, and that L'Estrange saw in religious dissent the greatest threat to the monarchy. Proceeding in a roughly chronological fashion, chapter four will examine L'Estrange's activities as licenser of books and Surveyor of the Press. It will link the role of office in shaping his understanding of the press with the language of conscience, arguing that ideals of conscience provided a support for performance of office that was not merely the preserve of the private

individual, but also undergirded L'Estrange's beliefs that it was a public office to suppress seditious pamphlets.

The fifth chapter will examine his tracts from the outbreak of the Popish Plot to the end of the Exclusion Crisis. The focus in this chapter will be on how old charges of popery were made against L'Estrange as he attacked the Plot and its primary proponent, Titus Oates, and how these attacks on L'Estrange illustrate again the importance of personae to public debate the period. It will argue that the output of the press during this period was not the product of a stable, anonymous "public" but rather reflected the sporadic attempts of disputants to lay claim to public authority in the tense atmosphere surrounding the Plot. Chapter six will center on L'Estrange's serial dialogue, *The Observator*, and will contend that the serial nature of his publication did in fact begin to alter his sense of his identity, and that his repeated invocation of a public state of emergency in that serial may have helped sow the downfall both of his persona and his career with the Revolution of 1688, as L'Estrange eventually was forced to choose between his loyalty to the Church of England, and the monarchy, by James II's attempts to Catholicize the realm.

Chapter seven will examine L'Estrange's life after the Revolution, and in particular his work as a translator, which after his ejection from government following the Revolution of 1688 constituted his primary source of income. This chapter will make clear that even when no longer in government, L'Estrange's life was still permeated by conceptions of office, as is apparent from the prefaces to his later translations. It will also consider his connections to the non-jurors in post Revolution England, as well as his relationship with his family in Norfolk through his letters to his nephew Sir Nicholas in

the last years of his life. The chapter will argue that his sense of office provided a rough ideal of unity for his life, and that he took on one last persona in the prefaces to his translations, that of a Christian stoic sage retired from public life, and that his translations demonstrate the essential unity of his life, both public and private.

The conclusion will reiterate that L'Estrange's activities, and his life as a whole, can be understood only in light of the presumptions about office outlined above. L'Estrange conceived of his life and persona in terms of office, in terms of service, obligation and duty, and this was typically the way most people conceived of public life in that period. This presupposition was only replaced slowly in the course of the eighteenth century, and it is only in the nineteenth, with the creation of a modern bureaucratic state, that a distinction between a stable public sphere and a private sphere becomes possible. It will put forth a tentative answer to the question posed above, suggesting how changes in the self-conscious invocation of the terminology of office might have helped prepare the way for such changes, without having brought them about. In particular, it will suggest that L'Estrange's efforts to reduce the significance of any other public office beside that of the king can be seen as illustrative of a tendency in late seventeenth century England to reduce the semantic confusion surrounding the nature of public authority by reducing it to one particular office. Such a shift, if it did occur, would mean that the presuppositions of office were still the dominant way of conceiving of public and private life, but also would have constituted a major change in a society where office holding was so widespread, and the language of office so useful to so many different types of people, where virtually any activity could be re-described as an office. Such a drive toward conceptual simplification—aided by a robust news industry by the

eighteenth century, made by possible by the technology of print—might explain how contemporary beliefs about public and private life changed in seventeenth century England and yet remained not quite fully "modern."

**IV. Outline of L'Estrange's Career**

As his activities were diverse and wide ranging, and therefore difficult to keep in view all at once, I present here a sketch outlining his career, as a sort of key for the rest of this study, as it will necessarily have to break with strict chronology in considering the various aspects of L'Estrange's life and beliefs which touch upon the question it seeks to answer. After participating in the war with Scotland, L'Estrange took part on the king's side at the battles of Newark and Edgehill; later he took part in the siege of King's Lynn in Norfolk, which was captured by his father Hamon in August of 1643, who defended it for six weeks before surrendering it to parliamentary forces in September of that year.

In 1644 L'Estrange was taken prisoner while trying to instigate an armed uprising in Lynn to retake the town for the King. He was taken to London and was tried by court-martial as a spy, found guilty of being a spy and sentenced to be hanged for his offense on January 2.[69] He made several appeals for a reprieve, and aided by a letter from Prince Rupert on his behalf to the Earl of Essex, had his sentence commuted and was sent to Newgate prison, where he remained for almost four years. Sometime in early 1648 L'Estrange either escaped or was released from Newgate and promptly made his way into Kent, where he joined in the rising against the government which began there.

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[69]R.W. Ketton-Cremer, *Norfolk in the Civil War: A Portrait of a Society in Conflict* (Camden, CT: Archon, 1969), 275-279; Kitchin, *Sir Roger L'Estrange,* 12-16.

After the failure of the Kentish rebellion he fled to the continent for about three years.[70] He eventually made his way back to England in 1653, as Cromwell was trying to reconcile the country to his regime by allowing royalists back into the country, provided they met first with him. Sir Hamon died in 1654, and left Roger with an inheritance that allowed him to live "like a gentleman in London," but the death of Cromwell and the attendant political chaos that followed led him to venture back into pamphleteering and public life. He wrote several tracts trying rouse the country against the Rump and for a new parliament, helping to bring about the restoration of the monarchy.[71]

In the early years of the Restoration, L'Estrange published a series of pamphlets against the Presbyterian party, who were shut out of the religious settlement by the Act of Uniformity. He was made licenser of books in 1662, and by 1663 was agitating for further restrictions on the press; the office of Surveyor of the Press, which he was granted by royal patent in 1663, was constructed along lines suggested by L'Estrange himself.[72] L'Estrange's patent also gave him control of the government's official weekly news-book, *The Intelligencer*. Though L'Estrange occasionally published new tracts after 1666 (including a few literary translations), the next decade or so of his life was primarily consumed with his activities as Surveyor of the Press, searching the various printing houses for seditious pamphlets, and spying on conventicles, among other activities.

The controversy surrounding the Popish Plot led L'Estrange back into pamphleteering, this time against the legitimacy of the Plot. L'Estrange was one of the

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[70] Kitchin, *Sir Roger L'Estrange,* 33-34; *Discovery upon Discovery*, 27.
[71] Ktichin, *Sir Roger L'Estrange*, 45; Love, 'Sir Roger L'Estrange.'
[72]Royal warrant for the creation of the office of Surveyor of the Press, August 15 1663, SP 29 78/96; *Considerations and proposals in order to the regulation of the press* (London: Henry Brome, 1663) Wing L1229.

first to attack the truth of the plot publicly, and equated the new agitation with the events that preceded the civil wars. Because of his attacks on the Plot and his warm public statements about Catholics, L'Estrange was accused of having attended mass at the queen's chapel and of having suborned witnesses who swore that evidence presented by Oates and other informants for the Popish Plot in 1679 had been a fabrication. L'Estrange was acquitted, but when his accusers took their case to Parliament, he fled England in October of 1680, first to Edinburgh and the protection of the Duke of York, and then to the Hague, where he remained until February of 1681.[73]

L'Estrange returned in time for Charles II's dissolution of the Oxford Parliament at the end of March, and shortly after in April of 1681 he launched his news-book *The Observator*, a running commentary on political affairs in dialogue form, L'Estrange's news-book was like a running op-ed page, refuting and excoriating Whig leaders and pamphlets, and he hounded opponents of the government well after the Whigs had been crushed following the discovery of the Rye House Plot in 1683.

James II became king in 1685, and he knighted L'Estrange for his service to the crown in the same year. L'Estrange went along with the Catholic James II as far as he could in his religious policies, journeying to Scotland in 1686 to promote the repeal of the Test Acts by the Scottish Parliament, but the conflict between his duty to his monarch and his duty to the Church of England finally came to a head in 1687 when James issued his declaration of indulgence. In March of 1687 he closed down *The Observator*, and the Revolution put an end to his public career.[74] From that time onward till his death in

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[73] Kitchin, *Sir Roger L'Estrange*, 228, 251, 258-59; Harold Love, 'L'Estrange, Sir Roger (1616–1704)'

[74] Harold Love, 'L'Estrange, Sir Roger (1616-1704)'

1704, he was imprisoned twice, and made his living through his literary translations, some of which were widely popular, and through the charity of his family in Norfolk, whose head became, like his uncle, a non-juror.

# CHAPTER I
# THE ORIGINS OF L'ESTRANGE'S PUBLIC LIFE, 1616-1658

This chapter will lay out L'Estrange's family background and early events of his life, and examine his early writings in order to demonstrate that the presuppositions of office were present from the very beginning of his career. The evidence for his earlier life is sparse, but it will show that the civil wars stamped on him the necessity of opposing those forces that threatened Church and Monarchy, setting a pattern for his sense of his own identity as a gentleman and a loyal subject which would last throughout his life. More particularly, it will show how his early defense of his role in the Kentish rebellion of 1649 involved an appeal to the notion of honor widespread among the royalist gentry in the civil wars, and to the expectations of a gentlemanly persona in order to defend his reputation among his fellow Cavaliers when his participation in the royalist rebellion in Kent went awry in 1649.

## I. Local Ties: The L'Estranges of Norfolk

Sir Roger's family, the L'Estranges of Hunstanton, was long established in Norfolk, and could boast a distinguished record of service to the crown. Hunstanton sits on the coast of the North Sea, on the eastern side of the Wash, the large square shaped estuary where Norfolk and Lincolnshire meet on the east coast of England. Today the lands which surrounded Hunstanton Hall are now known as Old Hunstanton, being part of a new resort town bearing the same name, which was built to the south of it in the nineteenth century, by the L'Estrange family no less, and which made them quite wealthy

as a result.[1] The Hall is also still intact, but the family sold it in the 1940s and it has since been turned into private flats. L'Estrange rarely mentioned his Norfolk background in his public writings, but it must have marked him in some ways, residing as he did for most of his adult life in London. Harold Love, commenting on his colloquial and often "vocal" writing style, speculated that "his speech almost certainly retained a provincial burr."[2] His family's record of service to the crown is the most important item in his biographical background, not only because he came from one of the areas of Norfolk that fought for the king during the civil wars, but also because it illustrates how personal ties to the king made the politics of the realm the politics of the locality, how they met in those personal ties.

Once, during one of his pamphlet salvoes against the minister Edward Bagshawe, L'Estrange taunted him with the information that the name of "L'Estrange has been in the same seat in Norfolk, almost thrice as long as Presbytery has been in the World."[3] He was not wrong. The L'Estranges' ancestry reached back to the Norman Conquest, and a John L'Estrange is recorded as having rebelled with Henry the Younger against Henry II, while another Hamon L'Estrange took the side of Henry III against Simon de Montfort in

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[1] In the early twentieth century, the novelist P.G. Wodehouse, who spent a great deal of time at Hunstanton Hall, wrote that the old haunt of Sir Roger was "a gorgeous place" that had an "air of romantic decay" about it, and some scholars believe that Hunstanton Hall was the inspiration for "Blanding Castle," the setting for many of his stories. Robert McCrum, *Wodehouse: A Life* (New York, London: W.W. Norton & Co., 2004), 179. The Wodehouses were an old Norfolk family as well; Sir Roger's nephew Sir Nicholas was married to Ann Wodehouse, son of Sir Thomas Wodehouse, in 1686. See David Cherry, "Sir Nicholas L'Estrange, His Politics, Fortune and Family," *Norfolk Archeological Review*, Vol. 34, part 3, (1968), pp. 315, 326.

[2] Harold Love, "L'Estrange, Joyce, and the Dictates of Typography," *Roger L'Estrange and the Making of Restoration Culture*, pp. 168-69.

[3] George Kitchin, *Sir Roger L'Estrange*, 2-3; *Truth and Loyalty Vindicated from the reproaches and clamours of Edward Bagshawe* (London: Henry Brome, A. Seile, 1662) Wing L1320, pp. 34-35.

the thirteenth century. Another of his ancestors, Sir Thomas L'Estrange, had been a courtier at Henry VIII's court early in his life, being knighted by Henry VIII in 1529, and he seems to have benefited from the sale of monastic lands following the Reformation.[4] Sir Thomas was the great-great grandfather of Roger L'Estrange's father, Sir Hamon L'Estrange, who was prominent among the gentry of Norfolk in the early part of the seventeenth century. Sir Hamon served as knight of the shire in 1614 and 1621, and was for many years the High Sheriff of Norfolk, making three fairly nondescript appearances in parliament in 1614, 1621, and 1625; in 1631 he was also charged with collecting fines for knighthood service, "for not appearing at ye Coronation" of Charles I, levied against those men who had not applied for knighthood at his coronation, a practice which has been labeled "fiscal feudalism"; thus Sir Hamon served the king faithfully in his attempts to produce revenue during the period when Charles I attempted to rule without parliaments.[5] It was in his office as High Sheriff that he accompanied the Norfolk levies to Scotland for the so-called "Bishops War" in 1639, and the young Roger L'Estrange, then twenty-three years old, accompanied his father on that ill fated expedition.[6]

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[4] Joy Rowe, 'Lestrange , Sir Thomas (*c.*1490–1545)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, Jan 2008 [http://www.oxforddnb.com.www2.lib.ku.edu:2048/view/article/16515, accessed 4 Nov 2008]

[5] Michael B. Young, *Charles I* (Houndsmill, Basingstoke, Hampshire: Macmillan, 1997), p. 135.

[6] Chris R. Kyle, 'L'Estrange, Sir Hamon (1583–1654)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, Oct 2005 [http://www.oxforddnb.com.www2.lib.ku.edu:2048/view/article/67340, accessed 6 Nov 2008]; Royal commission making Hamon L'Estrange collector of fines for knighthood in Norfolk, L'Estrange Papers, Norfolk Record Office, (hereafter LEST), LEST/ P 20 / 13; Exchequer discharge to Hamon L'Estrange for fines paid by Norfolk gentry exonerating them from the task of knighthood, 1633, LEST / NC 28 / 6; Kitchin, *Sir Roger L'Estrange,* p. 5.

Sir Hamon had three sons who survived him, Nicholas, Hamon and Roger. Roger, the youngest of the three, was born in 1616; he spent three years at Sedgeford School and a year at Westminster School, and two more at Eton College before entering Sidney Sussex College at Cambridge in 1634, though he left three years later without taking a degree to enter Gray's Inn. Aside from his formal schooling, George Kitchin surmised that L'Estrange must have benefited from an irregular but rich informal schooling within the family, and from where he perhaps gained his fondness for Francis Bacon and other writers he came to identify with during his career. Certainly, either in the home or in his formal education he would have come across that great Ur-text of duty, Cicero's *De Officiis*, which he would later translate at the height of the Exclusion crisis.[7] One historian has called Sir Hamon L'Estrange a "cultured and articulate man" who was a great purchaser of books, and in the eighteenth century Roger North, a family friend, speculated that Hamon L'Estrange must have brought the musician John Jenkins to Hunstanton Hall to teach his sons. Sir Hamon would later become a patron of Jenkins during the 1650s, and Roger would become renowned as an amateur violist in his lifetime.[8] Sir Hamon also made the acquaintance of the religious writer and physician Sir

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[7] Kitchin, *Sir Roger L'Estrange*, 2. *De Officiis* and other texts were widely used in schools throughout Europe; see Joseph S. Freedman, "Cicero in Sixteenth and Seventeenth Century Rhetoric Instruction," *Rhetorica: A Journal of the History of Rhetoric*, Vol. 4, no. 3, (Summer 1986), pp. 227-254; Harry M. Schwalb, "Cicero and the English Gentleman," *The Classical Journal*, Vol. 46, No. 1, (Oct. 1950), pp. 33-34; Thomas B. Deutscher, "From Cicero to Tasso: Humanism and the Education of the Novarese Clergy, 1550-1663," *Renaissance Quarterly*, Vol. 55, no. 3 (Autumn, 2002), pp. 1005-1027; Marcia L. Colish, "Cicero's *De Officiis* and and Machiavelli's *Prince*," *Sixteenth Century Quarterly*, Vol. 4, No. 9, (Winter, 1978), pp. 81-93.

[8] Chris R. Kyle, 'L'Estrange, Sir Hamon (1583–1654),"'; Kitchin, *Sir Roger L'Estrange*, p. 2.

Thomas Browne, as there are letters to Hamon in the Norfolk record office advising him on the treatment of his gout toward the end of his life.

Roger's elder brother, Hamon L'Estrange, also gained some reputation as a historian and theological writer; his book *The Reign of Charles I* was one of the earliest histories written on the life of the king, and drew criticism from Peter Heylyn as being shot through with Puritan sympathies in church government and liturgy. It was to answer these charges that Hamon L'Estrange penned what was to be his most lasting achievement, *The Alliance of Divine Offices*, one of the earliest historical works on the Anglican liturgy. It defended the Church of England's liturgy against objections from both Roman Catholics and Puritans, claiming it as a continuation of the primitive practice of the early Church, while it also denied his alleged Puritan sympathies. Roger himself quotes the work extensively in one of his tracts against the Presbyterian party during the early 1660s when he sought to justify the Anglican settlement in the Church of England, and one can surmise that he must have made use of his brother's historical work as well, seeing how often Roger would harp on the events of the 1650s throughout his career.[9] The eldest son, Nicholas, also published a book of anecdotes and jokes which records some forty three by their mother, Alice L'Estrange, some of which are said to be quite bawdy, as well as few by Roger himself.[10]

From what little evidence there is of Roger's family life, his upbringing appears to have been fairly typical for a gentleman of that period, save for what appears to have

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[9] Shaw, W. A., 'L'Estrange, Hamon (1605–1660)', rev. Sean Kelsey, *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Jan 2008; [http://www.oxforddnb.com.www2.lib.ku.edu:2048/view/article/16507, accessed 6 Nov 2008]; *Interest Mistaken, or the Holy Cheat* (London: Henry Brome, 1661) Wing L1262, pp. 108-09.

[10] Kyle, 'L'Estrange, Sir Hamon (1583–1654).'

been his family's unflagging loyalty to the Stuarts, and a sense of duty which one might call officiousness. One other aspect of his family background that is worth mentioning at the outset is the relationship of his family to Roman Catholicism, as disputes about the danger of "popery" will be at the center of the conflicts that consumed his life. Some of the leading families in Norfolk were Catholic, and the L'Estrange family had connections to several of them, including the Bedingfields of Oxburgh, with whom they were long associated. In 1614, when Hamon was up for election as knight of the shire, he aligned with Sir Henry Bedingfield, who would distinguish himself fighting for Charles I during the civil wars, and along with James Calthorp, the sheriff and cousin of Bedingfield, connived to get the election adjourned at the last minute and moved from Norwich to Swaffham, which the other candidate, Sir Henry Rich, where Rich could not reach in time to influence the outcome.[11] There exists an interesting anecdote which suggests how these relationships may have shaped Roger L'Estrange's character and outlook. Richard Challoner, a Catholic writer and priest of the 18th century, related the story of Thomas Tunstall, a Catholic priest who was martyred at Norwich in 1616, in a work on Catholic missionaries of the period. Tunstall was a missionary priest who was caught and sent to Wisbech Castle, but escaped by sliding down a rope outside the castle walls, escaping into Norfolk and the company of Catholic friends near Lynn. He had badly scraped and blistered his hands while climbing down the rope, however, and according to Challoner, his friends informed him that there was "in that Neighbourhood a Charitable Lady, who did great service to the Poor in the way of Surgery…therefore his Catholic Host advised

[11] Kyle, 'L'Estrange, Sir Hamon (1583–1654).'

him to apply to Lady L'Estrange, (this was her name) and put himself under her care."[12] She dressed his wounds and "promised him her best assistance for making him a Cure," but

> However the Good Lady could not forbear talking to her husband, Sir Hammond L'Estrange, a Justice of the Peace, of some particulars relating to her new Patient; as that he was poor in apparel, yet a Gentleman like Man in his Discourse and Behavior; but withal somewhat reserved in giving an Account how he came by those Wounds; that he was a Stranger in the Country, and lodged at the House of a Popish Recusant. The Justice immediately cried out, this must be the Popish Priest lately escaped out of Wisbich, for whom he that day had received Orders to make diligent search. Upon this, the Lady is reported to have cast herself upon her knees to intercede for the Man, begging her husband to take no notice of what she had said; adding, that she should be an Unhappy woman all her life, if the Priest should come to any trouble thro' her speeches. But notwithstanding all she could say or do, the Knight persisted in his resolution of securing the Man, and accordingly sent out his warrant, and had him seized and brought before him. And tho' the Lady again renewed her Instances to have him dismissed, yet she could not be heard: But Mr. Tunstall was forthwith committed to Norwich Gaol, where at the next assizes he was brought upon his trial and condemned.[13]

Challoner relates that when he was brought to the gallows for his execution,

> Sir Hammond L'Estrange, alighting his Horse, came and spoke to him in a courteous manner, with his head uncover'd, to this Effect. Well, Mr. Tunstall, I see you are determined to die, and I hope you are prepared for it. –Indeed Sir Hammond, says the holy man, die I must, neither do I repine at it; on the contrary, I have great Reason to rejoice that I am to die in so Good a cause; and therefore I cannot but be thankful in a particular manner to Sir Hammond L'Estrange, for being chiefly instrumental in bringing me to this Place. I do heartily forgive you, Sir, and I beseech God that my guiltless Blood may not lie heavy upon you and yours. Sir

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[12] Challoner, Richard. *Memoirs of Missionary Priests, as Well Secular as Regular; and of Other Catholics, of Both Sexes, That Have Suffered Death in England, on Religious Accounts, from the Year of Our Lord 1577, to 1684. ...* Vol. 2. (1741-42), ESTC T125100, pp. 111-12. F. J Devany, *The Faithful Few: A History of Norfolk Roman Catholics*, *1559-1778* (Norwich: Express Impressions, 2008) p. 157.

[13] Challoner, *Memoirs of missionary priests*, pp. 112-13

Hammond thank'd him, and so departed.[14]

One can only speculate, but assuming its truth, the story reveals Sir Hamon's character as much in keeping with his son's in its insistence on duty, with Sir Hamon's carrying out his orders in spite of his wife's pleas, but also echoes Roger's later mild public manner toward Roman Catholics. Challoner was writing a good century and a quarter after the fact, but one can imagine Sir Hamon relating the story to his son, as it occurred in the year of his birth. Roger himself rarely wrote about his family or his personal life in any of his published writings, but he was always careful to distinguish good Roman Catholics who were loyal to the crown from Jesuits and other malcontents that wanted to undermine the king's authority. His upbringing marked him with a different attitude toward both Catholics and the Church of England that was in stark contrast to that in many other parts of England and especially in London, where "popery" (whether in its Roman or "Anglican" forms) was hated and feared. It separated him from some of his fellow Englishman on an issue which was central to many of the century's conflicts, namely attitudes toward "popery." His public statements about Roman Catholics would even at times alienate from the members of the High Church party, with whom he identified. Throughout his life, and at times when it was dangerous to do so, as during the height of anti-Catholic hysteria surrounding the Exclusion controversy in 1679-80 and later prior to the Revolution of 1688, L'Estrange made a point of acknowledging the good offices he had received at the hands of Roman Catholics throughout his life. Thus his upbringing likely made him more inclined to treat Roman Catholics with respect than many of his countrymen.

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[14] Challoner, *Memoirs of Missionary Priests*, p. 115.

These local and familial aspects of his early background are significant for another reason as well, as they suggest a connection between personal allegiance and place or locality. Regional or local loyalties could be as strong as loyalty to one's nation or king; as one historian has pointed out, the statesmen most active in building the early modern state were defeated in their plans to centralize the government by those "autonomous provinces" which resisted such encroachments—Holland, Provence, Catalonia, these still remained in many respects the most potent foci of loyalty in early modern Europe.[15] This was true of England as well. One's "country" could mean one's county or province, as well as one's nation, and as Conal Condren has noted, such fluidity of meaning illustrates the difficulty of identifying a single focus of loyalty with the language of patriotism in the period. During the civil wars, for example, the so called "club men" attempted to keep both parliamentary and royal armies out of their counties, and London itself could become the focus of patriotic sentiment.[16] Something similar can be glimpsed from late in his life when L'Estrange, writing to his nephew Nicholas, said his letter was "my most Humble Service, and Duty to Hunstanton," and referred to himself as a "Loyall and a Gratefull person[?] to my Country"; from the 1650s, L'Estrange in fact resided almost his entire life in London (whose inhabitants he detested, for what he saw as their disloyalty to the crown), and at the time he wrote these letters, William III was on the throne, who in Roger's eyes was not a legitimate monarch.[17] Thus

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[15] Henry Kamen, "The Statesman," *Baroque Personae*, p. 23.
[16] John Morrill, *The Revolt of the Provinces: Conservatives and Radicals in the English Civil War, 1630-1650* (London; New York: Longman, 1976), p. 14. Condren, *Authority and Argument*, p. 150.
[17] Sir Roger to Nicholas L'Estrange, August 27 1695, LEST/ P20, 173; Sir Roger to Nicholas L'Estrange, April 7 1694, LEST/P20, 169.

his reference to "my Country" was probably a reference to Norfolk, and his family, not to England or her king.

This should be borne in mind when seventeenth century authors invoked the term "public," for it could be the case that their particular constructions of that term had a local flavor to them. Even when writing his *Observator*, and defining the Whigs in largely negative, polemical terms, L'Estrange identified them with various locales (i.e., coffeehouses, taverns) around London, creating a virtual literary topography of the city in his news book.[18] In other words, locating the "public" in anything like a concrete sense as opposed to its rhetorical invocations is fraught with the same difficulties as identifying the *patria* to which various contemporaries ascribed their loyalty and patriotism. Just as their patriotism likely depended on a very localized understanding of what constituted the nation, so might their understanding of "public" have relied on a particular understanding of which persons and what types of persons they were appealing to, to whom they believed they owed their loyalties. The "liquid empire of office" was flexible enough to accommodate a variety of constructions of the "public," and one can debate whether the triumph of one such construction after 1688 made England more truly a "nation" than it had been previously.[19]

**II. L'Estrange's Civil War, 1642-48**

After accompanying his father on the failed expedition to Scotland in 1639-40, L'Estrange fought in several early battles during the first civil war, but his first entry into public life in print followed the end of his military ventures in 1649. He fought with the

[18] Goldie, "Roger L'Estrange's *Observator* and the Exorcism of the Plot," p. 79.
[19] Knights, *Representation*, p. 5.

king's side at Edgehill and Newark before taking part in the capture of King's Lynn by his father. His father paid out of his own pocket for the defense of the town for the king, but held it for only six weeks before eventually surrendering in early September, having captured it in early August. The siege was the only time blood was ever shed in Norfolk during the war, as Norfolk lay in the heart of the Eastern Association, an area loyal to parliament throughout the course of the conflict.[20] During the siege, Sir Hamon had imprisoned several townspeople who sided with parliament; later when Parliament allowed those very people to determine what fines would be levied against Sir Hamon, he was nearly ruined, and Roger never forgot or forgave such treatment, a fact which led George Kitchin to surmise was at the bottom of Roger L'Estrange's life long hatred of protestant Dissenters.[21] After the siege, he made his way to the royal court at Oxford, and the king granted him a warrant to attempt the recapture of the town by bribery in 1644, but he was apprehended at Lynn by a Parliamentary spy at an alehouse—while dressed in his slippers no less. He was taken to London, tried and found guilty by a court-marital of being a "spy and treacherous conspirator, in endeavoring to betray the town and garrison of Lynn," and sentenced to be hanged for his offense on December 19th of 1644. The date set for his execution was January 2.[22]

L'Estrange made several appeals for help to both of the Houses of Parliament, to the Earl of Essex, and finally to the King at Oxford. As a reply, Prince Rupert sent a

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[20] Ketton-Cremer, *Norfolk in the Civil War,* pp. 206-215. Kitchin, *Sir Roger L'Estrange*, pp. 5-10.
[21] George Kitchin, *Sir Roger L'Estrange*, pp. 8-11. L'Estrange would later reprint a series a collection of sequestration orders against royalists in his tract *Reformation Reform'd* in 1681, to reemphasize the real nature of the Whig "Reformation."
[22] Ketton-Cremer, *Norfolk in the Civil War*, pp. 275-279; Kitchin, *Sir Roger L'Estrange*, pp. 12-16.

letter on his behalf to the Earl of Essex dated January 1st, which likely did not arrive in time. However, aided by a group of men in the House of Commons who were sympathetic to his plight, L'Estrange had his sentence commuted and was committed to Newgate prison, where he remained for almost four years. It was during his imprisonment in 1647 that he published his *L'Estrange His Appeal from the Court Martial to the Parliament*, his first published work, culled from the various papers and letters he had written already, detailing the circumstances of his captivity, and appealing for his release. Later in his career, L'Estrange wrote that before his reprieve, two members of the Westminster Assembly (what he interestingly calls "the synod") came to offer him an out: he could leave and go into exile but only if he would "Take the Covenant," and swear its oath.[23] He spoke of their "Civility" in coming to him, but he would later write with venom against the Presbyterian party as a whole, precisely because they forced loyal servants of the crown such as himself to violate their oath to a legitimate authority and swear another oath to what was not a legitimate one in his eyes. L'Estrange never forgot the treatment he received for doing his duty as (as he conceived it) during the war, though writers like Clarendon pointed out that others had not been lucky enough to escape with their lives.

During his imprisonment he was supposed to have written a poem entitled *Loyalty Confined or A Hymn to Confinement*, which was quite popular at the time, perhaps in imitation of Richard Lovelace's poem *To Althea From Prison*. The poem circulated in manuscript form, and was not published in print until 1705, a year after L'Estrange's death; whether or not L'Estrange actually wrote it is not entirely certain. He never

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[23] *L'Estrange His Appeal from the Court Martial to the Parliament* (London: 1647) Wing L1201; *L'Estrange his Apology*, p. 2.

acknowledged writing it himself, but the sentiments contained in it are similar enough to those he gave voice to in prose to have been his. The poem plays on the sense of public and private in terms of duty in a way similar that of Lovelace's more famous poem. In the second stanza, the poet remarks

> That which the World miscalls a Gaol
> A private Closet is to me,
> Whilst a good Conscience is my Bail,
> And innocence my liberty.

The poem plays on the idea of restriction and confinement as conferring the status of a powerful public figure on the person confined, perhaps an echo of the idea that public figures are confined by the greatness of their office:

> I'm in this Cabinet lock'd up,
> Like some high-prized Margaret,
> Or like some great Mogul, or Pope;
> Am cloyster'd up from publick Sight.
> Retirement is a piece of majesty,
> And thus, Proud Sultan, I'm as Great as Thee.[24]

The sentiment is a commonplace, as is the idea of an escape from worldly cares and concerns so prominent in poems like Marvell's *Upon Appleton House*, though it was a commonplace derived from antiquity. The poet identifies gaol as a place where "Sin, for want of Food, must starve, / Where Tempting Objects are not Seen," and whose "Walls do only serve / To keep Vice out, and keep me in." But confinement also can be a "public" state in that it serves to unite a good subject in suffering with his king: "When

[24] William Pittis, *A hymn to confinement. Written by the author of The case of the Church of England's memorial fairly stated, &c. while in durance. ... To which is added, a poem on the same subject by the famous Sir Roger L'Estrange* (London: 1705) ESTC T36936, pp. 12, 14.

once my Prince Affliction hath, / Prosperity doth Treason seem…Now, not to suffer, shews no Loyal Heart; / When Kings want Ease, Subjects must bear a Part." This culminates, as it does in Lovelace's poem, with the idea that the mind is free even if the body is not, that "Contemplation is a thing / That renders what I have not, mine…Although Rebellion do my body bind, / My King can only captivate my mind." Thus loyalty to the king is given an almost spiritual meaning, transforming the state in which the prisoner finds himself, reduced to what is surely a "private" position in terms of its privation, into one of public duty, suffering for and with the king. Whether or not he actually penned *Loyalty Confined*, it is an apt statement of L'Estrange's beliefs, and its association with his name was part of his legacy after his death.

**III. The Kentish Rising, 1648-49**

Sometime in early 1648 L'Estrange either escaped or was released from Newgate (there are conflicting accounts, though he later wrote that he escaped with "the privity of his keeper"), and promptly made his way into Kent. It was there that he became involved in the royalist rising of Kent in 1648, shortly after it first began. The origins of the rising lay in the riot that took place on Christmas Day 1647 in Canterbury. Since 1642, the county of Kent had been governed by a parliamentary committee, which had up till then wisely refrained from enforcing the parliamentary ban on Christmas celebrations, but with the imprisonment of the king, there was evidently a swell of royalist sentiment (expressed in local pulpits), and in December 1647 the county committee ordered a market to be held on Christmas day. Few people heeded this order, but a mob threatened those who did, leading to sporadic rioting which over the weekend turned into organized revolt, as the rioters seized the city magazine and shut the city's gates against the trained

bands. Eventually, as things settled down, several committee members convinced the rioters to agree to a truce, but eventually this broke down as well, and the trained bands entered the city in early January, forcing the rioters to surrender.[25]

Retribution followed swiftly in the following weeks as the county committee sought to stamp out the sources of disaffection in the county. The city gates were broken up and burned, parts of the walls were pulled down, and ordnance was placed upon the ramparts; when they had done this, the committee then sent a deputation to parliament to ask for a commission which would try the rioters under martial law. They sent forty of the rioters to Leeds Castle, including those who had managed to calm things down before the trained bands had arrived to quash the riot, to languish in prison until their trial. A few days after the committee took control of Canterbury, a declaration was published justifying the riot, which listed among its intentions that of freeing the king from his imprisonment and allying with the Scots.[26] Members of the county committee, escorted by extra troops sent by parliament, went on an official progress through the county, but found "themselves laughed at and by mean people affronted." The county committee wished the trial of the rioters to take place by commission of martial law and not by normal oyer and terminer commission because it feared that the jury would be full of sympathizers who would not prosecute the rioters. Its apprehensions were justified: parliament ordered that separate trials take place at the county assizes on May 10th of

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[25] *Canterbury Christmas or a True Relation of the Insurrection in Canterbury on Christmas day last*, (London: Humphrey Harward, 1648) Wing C453, pp. 2-3; Alan Everitt, *The Community of Kent and the Great Rebellion, 1640-60* (Bristol: Leicester University Press, 1966), pp. 232-34.

[26] *A Letter From a Gentleman In Kent*, (London: 1648) Wing B13, pp. 3-4; *The declaration of many thousands of the city of Canterbury, or county of Kent* (1647) Wing D614, p.5.

1648, one for the city and one the county, and in both juries returned an *ignoramus* for the bill of indictment, even though the juries had been selected by committeemen so as to be well affected to the committee. A county petition was organized at the assizes to present to parliament, and in response the county committee issued an order that was to be read in all the parish churches that the petition be suppressed on May 16. It was at this point the organizers of the petition began to organize for armed rebellion, and that Roger L'Estrange made his appearance on the scene in Kent.[27]

According to L'Estrange, he urged them to issue a declaration stating their intentions with the petition to Parliament, and the various participants in the rising sent several letters throughout the county asking for support, and soon managed to arm a small force. From here, events moved swiftly: according to Matthew Carter, the gentry of Canterbury met on May 23, parliament ordered Fairfax to move his army into the county on May 26, and a rendezvous was scheduled for the various rebel gentry on May 30 on the Blackheath, and a day earlier another was held at Burham Heath between Rochester and Maidstone to formally organize the various groups of men into an army.[28] At this meeting, the royalist Earl of Norwich appeared unexpectedly, and though he was no soldier, his pleasant personality was able to smooth over tensions between the gentry leaders of the would be rebellion, and he was appointed general on May 29 with what was said to be about 10,000 men looking on. The men of Kent assembled outside of

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[27] Everitt, 235-238; *A Letter From a Gentleman In Kent*, pp. 4-5; *The Manifest of the County of Kent* (London: 1648) Wing M422, p. 33. For the order commanding the suppression the petition, see Matthew Carter, *A most True and Exact Relation of that as Honourable as Unfortunate Expedition of Kent, Essex and Colchester* (London: 1650) Wing C662, p.18.

[28] Carter, *True Relation*, pp. 81-2; Everitt, *The Community of Kent*, pp. 257-8; Kitchin, *Sir Roger L'Estrange*, p.30.

Rochester first received word of parliament's order to Fairfax at midnight on May 30, and as some of them made their way out of Rochester, they were met by Fairfax, and about a thousand laid down their arms on the spot. The rest of the Kentish men coming from Rochester followed Norwich east of the Medway river, among them Roger L'Estrange. Fairfax initially sent the main body of his force against Rochester, but then changed his mind, sending only a small force against it and turning south toward Maidstone, and was encamped outside of the town by the evening of May 31. By the evening of June 1 Fairfax had the town and the two regiments of rebel forces, reinforced to about the tune of 2,000 soldiers altogether, cut off and surrounded.[29]

Fairfax would later admit that the storming of Maidstone "was one of the most violent battles he had ever experienced," and Everitt cites a parliamentarian source which says that Fairfax and his army found the "Kentishmen better prepared than they had expected."[30] The fighting began late in the evening on June 1, and the men of Kent fought bravely, but by midnight the fighting was over. Though there was still some residual resistance in Canterbury, Sandwich, Dover, and a few other areas to be mopped up later, this was effectively the end of the rising in Kent. Smaller risings in Essex and Surrey would soon commence, with Norwich creeping into Essex without about fifteen hundred men, among them Matthew Carter, who would write an account of all three risings and ultimately take part in the siege of Colchester. But by June 8 Canterbury had

[29] Everitt, *The Community of Kent*, pp. 260-262; *L'Estrange His Vindication*, p. 143.
[30] Everitt, *The Community of Kent* p. 258, n.1, p. 262, n.3.

capitulated, and the rest of their forces broke up and went back to their homes. As one royalist writer put it, "by this time a man might read the fate of Kent without an oracle."[31]

L'Estrange's role in all of this was probably less than he made it seem in his account, but also perhaps less deleterious than his detractors asserted. He claimed he was invited to take part by some of the gentry involved, and took an active role in the affair, but he is not mentioned by Matthew Carter or by any of the other shorter printed accounts in the Thomason Tracts. His influence, such as it was, was due to personal ties; L'Estrange was friends with one Edward Hales of Tunstall, the young heir of a wealthy Kentish family whom L'Estrange induced to contribute a good deal of money to the rising.[32] L'Estrange claimed a hand in instigating the remonstrance which galvanized the men of Kent, (though Carter said it was the product of a "General Councell" of the gentry), and he also wrote inflammatory letters to Fairfax and his troops, in which he promised that any which would turn against Fairfax and come into the rebel camp and lay down their arms "*shall have his Arrears Audited and Payd*."[33] L'Estrange wrote that this course of action was "Hinted to me by diverse, *to write something of Invitation, and Proposition to the Enemies Army*, Which accordingly I did." Alan Everitt, the historian of Kent, seems to think he was more willing than that. Everitt thought he was then beginning to find himself on the outside looking in from some of the major deliberations that were then taking place, as L'Estrange himself testifies: some of the rebels who wanted to accept parliament's terms before the choosing of Norwich to be general said

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[31] Everitt, *The Community of Kent*, pp. 263-270; Carter, *True Relation*, pp. 98-101, 104-5, 109-11.
[32] Everitt, *The Community of Kent*, p. 238; Carter, *True Relation*, pp. 30-31.
[33] *L'Estrange His Vindiction*, pp. 142-3.

that "*Lestrange was a Traytour, and to be excluded* [from] *the Counsell*."[34] But L'Estrange did not participate in any of the fighting; he and his friend Edward Hales, along with his family, all made their way down to Sandwich and from there took a ship into Holland, where L'Estrange found his way into the company of the exiled court.[35] Thus he rather ignominiously helped to incite them and then fled when the fighting started. L'Estrange was never much of a warrior, and would prove more successful as a pamphleteer; his part in the Kentish rising was in fact an embarrassment which he had to explain in print.

L'Estrange's venture in Kent is relevant to a debate modern historians have had about the nature of the revolt, as to whether it was really a royalist revolt at all, or a merely local affair which royalists like L'Estrange turned into an ideological conflict. Alan Everitt believed that the "most striking feature political feature of Kent during 1640-60 was precisely its insularity" from the rest of the political nation.[36] Everitt saw the armed revolt of 1648 as an effort by Cavaliers returning from Oxford in 1647 to "transmute… essentially local grievances into thoroughgoing royalism," and on his account there was "fundamentally… little in common between the Cavaliers and the moderates" in Kent. Others have questioned this idea, arguing that it overemphasizes evidence of local insularity and ignores evidence of greater national political or ideological awareness.[37] Contemporary accounts were unanimous that the rising was a

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[34] *L'Estrange His Vindiction*, p. 142.
[35] *L'Estrange His Vindiction*, pp. 143-44.
[36] Everitt, *The Community of Kent,* p. 23. See also, Ivan Roots, *The Great Rebellion,* (New York: Schocken Books, 1966) p. 127; Morrill, *Revolt of the Provinces*, pp. 126-128; John Kenyon, *The Civil Wars of England* (New York: Knopf, 1988), p. 179.
[37] Clive Holmes, "The County Community in Stuart Historiography," in *The English Civil War*, eds. Richard Cust & Anne Hughes (London: Arnold, 1997) pp. 215, 227; Brian

royalist one, both by its opponents and its partisans; one parliamentary account described the rising as an attempt at "awing the Parliament to a subservience unto Slavery."[38] Furthermore, rising for the king didn't mean they were keen to take orders from royalist interlopers—especially from L'Estrange. In fact, one can see both local sentiment and attachment to the king's cause reflected in his own narrative of events: when he offered to draw up for the Kentish leaders a "*Negative Engagement; and to Disowne all that Refused to take it*. *Your Answer was: No: it would disoblige the Country*." And when he advised them to "*make sure of all the Passes [Near MAIDSTONE Principally; and to fortifie Tunbridge also]* I did urge to you, 500 times, Among other Objections, One was: *It would charge the Country*."[39] Conversely, they had no problem accepting the Earl of Norwich as soon as he came on the scene (at the very time the cry "L'Estrange was a Traytour" was already being voiced in their camp). It is quite likely it was the manner and behavior of the cavaliers, not their cause, which angered the local insurgents in Kent.[40]

It is possible that the episode in Kent might be better understood in terms of personae, of the types of leaders that the locals were looking for in their rising. In other words, its national or local character might have been determined by what kinds of persons were involved, rather than geography. L'Estrange's feuds wound up involving

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Lyndon, "Essex and the King's Cause in 1648," *Historical Journal* 29 (1986): 17-38; Robert Ashton, *Counter Revolution: The Second Civil War and its Origins* (1994).

[38] *A Narrative and Declaration of the Dangerous Design Against the Parliament & Kingdom* (London: Edward Husband, 1648) Wing N166, p 6. See also *Vicissitudes progress* (London: Laurence Chapman, 1648) Wing V336, p. 6.

[39] *L'Estrange His Vindiction*, p. 144.

[40] George Kitchin cites a contemporary who says royalist leaders went to Kent expecting to be "courted" for their leadership, and who when they were not, left and went back home, and that the Kentish leaders were "annoyed at having any strangers to come amongst them," *Sir Roger L'Estrange*, p. 28.

much of the political nation, but they were always somewhat localized in character, directed more often than not at specific persons or groups of people. Similarly, the civil wars were both at once English civil wars but also involved all three kingdoms, even as they also involved local risings, such as the one in Cornwall in 1648.[41] Distinctions between local and national events (or debates) are at least somewhat dependent on the person or persons making them, and so there is element of personality involved in debates about them as well. One glimpses this in L'Estrange's account of the rising.

*L'Estrange His Vindication From the Calumnies of a Malitious Party in Kent*, is, as its title suggests, not so much a straightforward narrative as a justification of his role in Kent. It was typical of such "vindications" of the period, often being intended to justify the actions of some individual in a particular event during the civil wars, though it could be applied to an apologia for the church, or some other group. The term "vindication" possessed a connotation of retribution for wrongs which suited the heightened animosities of the times.[42] The significance of the tract lies in its appeal to honor, a concept crucial to the gentry class of which he was apart, and to the implicit persona of the gentleman who maintains his honor in the face of false friends; this ideal of honor mixed humanist ideas of service to the state with older beliefs about lineage,[43] and its

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[41] Mark Stoyle, ""The Gear Rout": The Cornish Rising of 1648 and the Second Civil War," *Albion: A Quarterly Journal Concerned with British Studies*, Vol. 32, No. 1 (Spring, 2000), pp. 37-58.

[42] According to the OED, the term could also mean "justification by proof or examination." According to the list of titles in COPAC, there were some 3162 "vindications" published during the period between 1640 and 1660 alone, though many of these were reprints as well.

[43] Jerrilyn Greene Marston, "Gentry Honor and Royalism in Early Stuart England," *The Journal of British Studies*, Vol. 13, no. 1, (Nov. 1973), pp. 21-43; Mervyn James, *English Politics and the Concept of Honour, 1485-1642* (Oxford: Past and Present Supplement, 3,

invocation was often used to justify controversial actions among those who changed sides in the civil war, much as L'Estrange appeals to it here.[44] In this tract L'Estrange defended his actions but also his ties of kinship to the people involved in the rising, as this was a key part of honor, as well as his obedience to the king. This is not surprising, as honor was a concept that defied sharp distinctions between public and private, encompassing familial obligations as well as duty to one's prince. Its use as a device of justification, as well as the persona of the gentleman in which it was embodied, is equally unsurprising, given that during the civil wars the boundaries between public and private, between those who were to command and those who were to obey, was the crucial issue at stake, and so men like L'Estrange naturally appealed to a concept which transcended those boundaries as means of defending themselves amid such confusion.[45]

L'Estrange began his own defense claiming that it was "a Sacrifice to Truth, and Honour, not Vanity, or Distemper. The Vindication of my Misfortunes from your Calumnies," being "Conscient of mine own Integrity." He claimed that he had been slandered for six months, and says to his detractors that "in your Ale, you have a Prerogative to be Angry, or Politique, at Pleasure," if they had "Bounded you Intemperance within your Proper Circle"; he wrote that finding "my Name brought upon a Forreign Stage, my Infamy Transplanted," and seeing "Paquetts stuff'd with your Invective Scandalls, and Letters dispatched…with Designe to be yet more Publique…To

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1978); Richard Cust, "Honor and Politics in Early Stuart England: The Case of Beaumont vs. Hastings," *Past and Present*, Vol. 149 (Nov. 1995), pp. 57-94.

[44] Andrew James Hopper, "The Self-Fashioning of Gentry Turncoats During the English Civil Wars," *Journal of British Studies* 49, (April 2010), pp. 236-257; Barbara Donagan, "The Web of Honour: Soldiers, Christians and Gentlemen in the English Civil War," *The Historical Journal*, Vol. 44, no. 2, (Jun. 2001), pp. 365-389.

[45] Cust, "Honour and Politics," p. 61; Greene, "Gentry Honor and Royalism," pp. 28, 35-36.

These Indignities, let me be Pardon'd, if I render a Sever Accompt" of the men whom he says hate him as "the Living Monument of your Ingratitude."[46] Rumors of his allegedly treasonous behavior had been spread by his enemies in Kent and had made their way to the court of the exiled Charles II, where they were influencing the opinions of Edward Hyde, the future Earl of Clarendon. His tract aimed at the disappointed royalists who tried to saddle him with the uprisings failure, but also ultimately Hyde as well.

Though he did not know exactly who was abusing his reputation, as ever he eagerly delineated in polemical terms what type of people he was dealing with. He was of course careful to praise the valor of those who fought, saying that "our Age Produces not any where Persons of more Gallantry, Loyalty and Reason: of more Primitive Worthiness then in Kent." But he also thought there was

> a mixture too, of the basest Slaves and the most Insolent Tyrants, that ever sacrificed to Fear, or Cruelty…Of which number (Gentlemen) *You* are: (*Your* names I know not, but I am told, there are such things in Nature) *You* I mean, that write your selves Spectatours of, and Actours in this Businesse; and upon that score Insinuate for Truth your most unhandsome reports. To *you* it is my Vindication directs itself.[47]

It was these men bombarding Hyde with letters, these "Walking Gazettes: these Fripperyes of Intelligence" that "write" themselves into his affairs, that L'Estrange wished to refute.[48] From there L'Estrange related the charges which his critics laid against him, that he started the rebellion in Kent only to abandon it and that his letters exacerbated the fury with which the Army clamped down on the county. He then

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[46] *L'Estrange His Vindication From the Calumnies of a Malitious Party in Kent* (London: 1649) Wing L1324, 132-3.
[47] *L'Estrange His Vindication*, p. 133.
[48] *L'Estrange His Vindiction*, p. 133.

proceeded to recount his role in the events themselves in reply to these accusations.

At the end of this narrative, he paused to briefly restate the charges he says were made against him and answer them; he answered the charge that he engaged the county with the reply that "*The Grand Jury Engaged the County*." As to being motivated by "Interests," he says "*I Confesse I was.* (That is: by Considerations of Honour, and Friendship (*those are a Gentlemans Interests*) not by your Dirty and Mechanique Principles of profit, and Unthankfulnesse)."[49] His reply to the other charge, that he abandoned the rising, he admitted that he "foresaw it; and said as much: in case the Business succeeded not. (Thanks to my dear Experience.)" The experience he is talking about is his disastrous attempt to retake Lynn, which, perhaps as excuse for his conduct, he then proceeds to relate.[50] This seems an odd way of explaining his behavior, but one can surmise a reason for it: in L'Estrange's mind, it reiterated his toils for the crown. This may seem an evasion but it actually dovetails quite well with the way the tract ends. Having "vindicated" himself, he comes to "*The Vindication of Kent*" from two main objections: "First. *They Rose too soon*," and "Secondly, *They Rose upon their Owne Store*." For the first, he wrote that they could not have delayed for that would have left them prey to the forces already arrayed against them. As to the other objection, he writes

> *To This.* 'Tis true, but *They Fought upon the Kings.* The Petition was not the *Cause* but the *occasion:* and had they Quarrelled on any other Accompt, They had been crush'd in three dayes...But to Arme for Liberty, and fight for Monarchy, (as they did) was an Action Worthy and Noble of themselves. In the Pride of their Fortunes, they Chose the *Prince* their Generall, and avowed his *Fathers* Quarrell…An Action never to bee Equalled or Forgotten: *The Bed, Fate and Monument of Honour, and*

[49] *L'Estrange His Vindiction*, p. 145.
[50] *L'Estrange His Vindiction*, p. 145.

*Allegeance*. (Let me adde this) and the VINDICATION OF KENT.[51]

The tract thus ends with an interesting reversal: whereas he began by defending himself at the beginning, L'Estrange turned to defending the men of Kent in the end. In fact, the two almost bleed together. Both his answers and the charges he raised against himself and the men of Kent sound very similar, especially as regards their motivations: both he says were accused of bringing events to a climax before they were opportune, and of rising on their own "store," or for their own interests. L'Estrange in reply says he was moved by "Considerations of Honour, and Friendship," and that the men of Kent fought for the King's cause, the *point de depart* of L'Estrange's life. The image of himself being the "living monument" of his enemies' hatred and ingratitude is reversed with the loyal Kentish men, who become the "monument of honor" in relief. Thus, L'Estrange ties his duty to Hales as a friend and his duty to the King together, and telescopes them onto Kent and those who fought for the king there, so that Kent's vindication and L'Estrange's become one. What L'Estrange has done is quite cleverly associate himself with the valor of the men of Kent, whose actions are for L'Estrange and other royalists a "public" action, "wherein the whole Nation (stood at Gaze) and durst not second them,"[52] not just in the sense of being done openly, but done precisely as a duty which for L'Estrange believed was required of every gentleman and man of honor, namely fighting for the king's cause. And so he identified himself and the king's cause with this armed insurrection in Kent without, of course, having fought in it himself. Nevertheless, it set a

[51] *L'Estrange His Vindiction*, p. 146.
[52] *L'Estrange His Vindiction*, p. 133.

precedent that he will follow throughout his life: wherever are those that are loyal to the king, there the "public" is, and he consistently crafts his persona to identify with them.

One other point about his vindication is worth emphasizing. L'Estrange's first foray into print was not for a general, anonymous public, but for a specific set of actors whom he wished to oppose or influence in some way, even if, in this case, he did not know exactly who his detractors were. And he was appealing to shared assumptions, to a persona, which were widely shared but very particular: the gentleman of honor who fights for his king. The press (or any other technology, really) can be used for to appeal to an "anonymous" or general public on the Habermasian model of the public sphere have presumed would be its logical purpose, but the content of such appeals cannot be generic, if they are to be effective. And for L'Estrange, in this instance, it worked, precisely because he was invoking a particular kind of persona which had wide appeal. *L'Estrange His Vindication* earned his way back into the good graces of Edward Hyde, and so in 1649 he crossed the Channel to the exiled court of Charles II. L'Estrange's civil war, at least as regards his military ventures, was over.

**IV. L'Estrange's Interregnum, 1649-1659**

At some point L'Estrange left the court in exile, and made his way to Germany. He later wrote that he spent "eight months in the House of the Cardinal of Hesse; where I was as kindly received, as if I had been at my own Father's." The Cardinal he refers to is one Friedrich, Landgraf von Hesse-Darmstadt, a warrior-cardinal and notable convert from Protestantism at the age of 19.[53] Kitchin surmised that L'Estrange's musical talent was what made him welcome in the Cardinal's household, and this very well may be the

[53] *Discovery upon Discovery*, p. 18; Harold Love, 'Sir Roger L'Estrange, 1616-1704.'

case. English musicians in the seventeenth century were widely celebrated for their ability to compose and play extemporaneously on a "ground," or a short melody, usually performed by the bass-viol, which repeated while the upper parts played continuous variations. Several English musicians managed to find employment at the various courts of Europe, at Madrid, Brussels, Brandenburg, Innsbruck and Vienna.[54] It also demonstrates again L'Estrange's ability to move in European circles when necessary, which he would do again at the height of the Exclusion Crisis when he fled to the Hague to avoid prosecution.

It also raises the question of his religion, as he would almost certainly have attended mass during his stay in the Cardinal's household. Kitchin notes that years later, when he claimed he had never been at mass since the Restoration, he passed over his years on the continent, and took this to be a sign that he had indeed attended mass while he was there. It was not unheard of for Protestants to attend masses out of curiosity where they were able to, as visitors to the continent from England, whether out of curiosity or desire to describe the horrific details of popery.[55] Later in the century, when Catholics practiced their religion openly during the brief reign of James II, Protestants often attended masses just to see what was going on, or to take in the splendid music that often accompanied them, as John Evelyn recorded in his diary in 1687.[56] The charge of

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[54] Richard Hudson, "Ground," *Grove Music Online*, http://www.oxfordmusiconline.com.www2.lib.ku.edu:2048/subscriber/article/grove/music/11840?q=ground&search=quick&pos=1&_start=1#firsthit; Andrew Ashbee, "'My Fiddle is a Bass Viol': Music in the Life of Roger L'Estrange," *Roger L'Estrange and the Making of Restoration Culture*, p. 160.
[55] Claydon, *Europe and the Making of England*, 33.
[56] Evelyn, *The Diary of John Evelyn*, IV, ed. J.S. De Beer (Oxford: Clarendon Press, 1955), pp. 534-37; Lisa Clark Diller, "Faith and Toleration in Late Seventeenth Century England," Unpublished Diss. (University of Chicago, 2003), pp. 107-108.

popery was a spurious one, as L'Estrange was indeed dedicated to the Church of England, but his actions often added fuel to the fire.

It is uncertain how long he stayed on the continent, as besides his own recollections from a later period there is only a stray letter from Clarendon, reassuring him that "whatever reports you hear of our master's change of religion, you must be sure that nothing is more impossible and he will as readily die for it as his father did," it being the Church of England.[57] What is clear is that in 1653, when Cromwell began trying to reconcile former royalists to his cause, L'Estrange took advantage of it. He returned to England in that year, and Cromwell intervened personally to see that the sentence of death which had been pronounced upon him in 1643 for spying was nullified. This fact would fuel the rumors that Roger had been a turncoat, and it was from his meetings with Cromwell that the nickname "Noll's fiddler" was to follow him throughout much of his career. According to L'Estrange, the basis for this was that on his visit to see Cromwell at Whitehall, he came across Cromwell's master of music, and was offered a part in the viol consort which was playing, he being a well regarded amateur on the bass-viol; while they were playing, Cromwell came through the doorway and listened for a few moments before leaving.[58] He was released by the Council of State on October 31st of that year, having promised "to do nothing prejudicial to the commonwealth" though L'Estrange also later insisted that "I never took any of their Protestations, Covenants, Oaths, or

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[57] *Calender of Clarendon State Papers, Vol. II*, Edward Hyde to Roger L'Estrange, June 6 1653, p.45.
[58] L'Estrange, *Truth and Loyalty Vindicated from the reproaches of Edmund Bagshawe*, pp.48-51.

Engagements."[59] He was anxious to get back home to Hunstanton, as his father was ill, and did not have long to live. Sir Hamon suffered from gout in his later years, as letters to and from Sir Thomas Browne and other doctors attest, not to mention the strain of financial losses due to the sequestration of his estates in 1649. L'Estrange made his way to Hunstanton in time to see his father before he died on May 31 1654. Sir Hamon was buried in Hunstanton church, where his tombstone reads "In Heaven at home, o blessed change! / Who while I was on earth, was Strange." His eldest son Nicholas inherited Hunstanton Hall, while Hamon was given property in Ely. Roger L'Estrange, who later said it "concerned me both in point of comfort and interest to see my dying father," was left an inheritance suitable enough for him to "live like a gentleman" in London.[60]

From this time onward there is little evidence of how he spent his time in London until the commotions that preceded the Restoration of the monarchy, and in which he played no small part. One can surmise that he made contacts with other musicians and literary figures in keeping up his life as a gentleman. Thomas Fuller, an Anglican Clergyman and historian, dedicated his *Orintho-Logie, or the Speech of Birds* to Roger in 1655, in which he says "a man cannot read a wiser, nor a childe a plainer book than Aesops Fables," a work L'Estrange would translate later in life.[61] Fuller had been a writer who had advocated a compromise settlement in the Church of England before the wars, to reconcile dissenters with the episcopate; he urged peace in his sermons in the early

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[59] L'Estrange, *The Observator,* Vol. II (London: Charles Brome, 1685), no. 80. All volumes of L'Estrange's *Observator* referenced here are those in the Spencer Research Library at the University of Kansas.
[60] Kyle, 'L'Estrange, Sir Hamon (1583–1654)'; Kitchin, *Sir Roger L'Estrange*, 37-38; Harold Love, 'Sir Roger L'Estrange, 1616-1704.'
[61] Thomas Fuller, *Orintho-Logie, or the Speech of Birds* (London: John Stafford, 1655) Wing S5107B, A2.

days of the war, until finally being pushed into the royalist camp. Interestingly enough, Fuller wrote a massive *Church History of Britain* in the same year he dedicated his less serious work to L'Estrange, in which he took a stance similar to that of Roger's brother Hamon with regards to religious matters, namely, that the Laudian party was partly responsible for the outbreak of the war with its heavy handed policies.[62] And according to Evelyn's diary, L'Estrange invited the more moderate royalist to "hear the incomparable Luciber on the violin" on March 4th 1655, much to the delight and wonderment of Evelyn.[63] Given the means at his disposal and the time on his hands, L'Estrange may have made a number of such acquaintances, what with his abilities as a musician and his wit. For the last time until the Revolution, he would have had no public duty as an outlet, at least as regards King and country.

Nor would he have much to do in the way of family duties, for the simple reason that most of his immediate family died off after he returned from exile. During this period his elder brother Nicholas died a year after his father in 1655, and his mother Alice the following year. He would in a few years outlive all his brothers, as Hamon, the theological writer and historian, would pass away just after the Restoration in 1660. What effect this had on him is uncertain, though perhaps it made him pour his energies into the royalist cause that much more in later years. Further, he would not marry until he was well into his sixties, so that most of his career was spent as a bachelor. It may be that his reticence about his personal life makes more sense in this light. L'Estrange almost never

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[62] W. B. Patterson, 'Fuller, Thomas (1607/8–1661)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, Jan 2008 [http://www.oxforddnb.com.www2.lib.ku.edu:2048/view/article/10236, accessed 26 Feb 2009]

[63] Evelyn, *Diary*, III, p.167.

mentioned his family life in any of his published writings, consonant with his Stoic beliefs about duty to country before all else. Perhaps he thought of himself as carrying on a family tradition of loyalty to crown and country, which might have been as great a tribute as he could give to his family. In any case, his lack of family attachments must have, at least in part, made possible his unrelenting focus on his duties to the crown, not having a natural outlet in the types of family obligations that would have normally accompanied a man of his social status. But of course, being a younger son, Roger did not have the same obligations, and as both Kitchin and Love emphasize, he had little aptitude for being a country squire.

It bears reminding that things could certainly have turned out otherwise. Had the English republic managed to survive, or had Oliver Cromwell restored the monarchy in his own person, as some thought he wanted to do, things might have turned out quite differently. His identity was wholly bound up with institutions such as the Church, and the Crown; his life fluctuated with the vicissitudes they experienced. His life was in many ways synonymous with the events in which he participated; the civil wars formed him, the Restoration made his career, and the Revolution unmade it. He was an important but never a powerful figure, always dependent upon a patron of some kind for his movements, political or otherwise, be it his father, the King, Cromwell or even later on his own nephew, who as the head of the family helped support the old knight in his last years. And yet he always remained L'Estrange: he would never evince much of a sense of a "self" or any type of "depth" indicating an interior life of unique individuality, but he didn't need it. L'Estrange was all exterior, and mostly what he needed was a good target for his very strong personality to define and shape his persona against. And very soon

after Oliver Cromwell died in 1658, he found his muse:  the man who would make his historical reputation as a loud and hyperbolic defender of one established government in Church and State began his public career by helping to bring down another. L'Estrange the man was about to become L'Estrange the historical actor.

# CHAPTER II
# PRINT, OPINION, AND PERSONA AT THE RESTORATION, 1659-1662

This chapter will examine L'Estrange's pamphleteering just prior to the Restoration of the monarchy in 1660, and his early attempts to gain a place with the government after the return of Charles II. It will argue that he justified his pamphleteering activities by appeal to his public duty, even as a private subject, invoking the language of public emergency, something he would do with later in his career as well. It will also examine some of the works he wrote in the early 1660s when his reputation for loyalty to the monarchy was put in question by rumors and innuendo, and will argue that his sense of his identity was such that he did not think of himself as fashioning a separate identity, but used the medium of print to accentuate the persona of loyal subject in an attempt to put himself back in the good graces of the court. At the same time, it will help demonstrate why his sense of identity does not easily fit any of the theories of self associated with modernity. Finally, it will consider how L'Estrange used the language of office to position himself as the monarchy's great supporter while criticizing it in print, and in doing so giving ephemeral expression to the core of his identity.

## I. Force of Opinion: The Restoration of the Monarchy

Cromwell's government was unpopular, but he had given royalists, as long as they were quiescent, little reason to rise in arms against him. Plots, successful or otherwise were few in number. A few months before his death in 1658, five royalists were executed for their plot against the Protector.[1] There was also the so-called "Royalist

[1]Ronald Hutton, *The Restoration: A Political and Religious History of England and Wales, 1658-1667* (Oxford: Clarendon Press, 1985), p. 4.

Knot," a group of ex-cavaliers who plotted much against the Protector but who rarely carried out there plans. Cromwell in his last years abandoned his earlier policy of leniency against former royalists only out of necessity, and persecution was largely sporadic for practical reasons; he had already alienated large swathes of elites in the localities which should have supported him, so that letting persecution lapse was only politic. There is no evidence L'Estrange participated in any of the so-called Royalist Knot uprisings, whether actual or merely planned, though writing later he seemed to think the plot of 1658 had been concocted by Cromwell himself, his opinion of whom was unsurprisingly hostile.[2] Most likely, he seemed to have learned his lesson from his affair in Kent, that he was not much of a fighter, and awaited an opportunity to aid in the return of his King in the best way he knew how, by the force of his pen. The death of Cromwell in September 1658 provided the occasion for this, and when it came he made the most of his opportunity.

As with royalists, execution of the laws against the use of Church of England services was also sporadic, so that there were churches in London during the period which used the old liturgy without disturbance. The exception to this was when royalist risings were afoot: then the laws would be enforced briefly. This is the cause of the episode recorded by John Evelyn in his diary for Christmas 1657, when he was hauled out of the Christmas service at Exeter chapel at gunpoint and questioned by authorities in London.[3] As rare as such occurrences were, it might have been that they were more

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[2] See his *A Memento: Directed to all Those That Truly Reverence the Memory of King Charles the Martyr* (London: Henry Brome, 1682) Wing L1270, pp. 45-47.

[3] Evelyn wrote that as he and others were about to take communion, "the chapel was surrounded with soldiers," and all were taken prisoner. Evelyn was taken to a separate room and questioned by Colonels Edward Whalley and William Goffe, soldiers and

prevalent in London, where the government was nearer at hand and where there were perhaps also more prominent royalists they could make an example of, like Evelyn. One wonders if L'Estrange himself had suffered such an indignity, though it is not necessary to explain his detestation of the Church of England's enemies; he knew Evelyn and men like him, and could have heard their stories himself. In the early years of the Restoration when Presbyterian authors decried the Restoration Church for ejecting their ministers and prohibiting their worship meetings, L'Estrange would always reply that when in power, they had done the same to the Prayer Book and the bishops, often adding that they must repent publicly for their role the execution of the king before he would take their talk of conscience seriously.[4]

Most royalists saw the accession of Richard Cromwell to the Protectorate as a good turn for their cause, and L'Estrange was no different. He was looked upon as being more favorable to their cause precisely as he was a civilian, unlike his father. L'Estrange himself later wrote that "in Truth, the New Protector was looked upon as a Person more inclinable to do Good, than Capable to do Mischief, and the Exchange welcome, to all

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Independents who had signed the death warrant of Charles I. They asked him why he defied the ordinance that "none should observe the superstitious time of the Nativity…and particularly be at Common Prayers, which they told me was but the mass in English." Asked why he prayed for Charles Stuart, Evelyn replied that he prayed for "all Christian Kings, Princes, and Governors." Whalley and Goffe derided him for this, because in doing so he "prayed for the King of Spain, too, who was their enemy and a Papist, with other such frivolous and ensnaring questions." They finally released Evelyn and allowed him and his companions to take communion, though the soldiers remained in the chapel and "held their muskets against us, as if they would have shot us at the altar." John Evelyn, *Diary*, p. 327; Hutton, *The Restoration*, 20; John Spurr, *The Restoration Church of England, 1646-1689* (New Haven, London: Yale UP, 1991) p. 15.

[4]See the "Dedicatory Epistle" to his *Relapsed Apostate* (London: Henry Brome, 1661) Wing L1294.

that Loved his Majesty."[5] Richard Cromwell's civilian inclinations doomed his reign from the beginning, as he alienated the army that upheld the English republic, and when it became clear he would not continue the work of the "Good Old Cause," he did not reign long. He was ousted from his position as Lord Protector and prevailed upon by the army to retire in June of 1659, thereby initiating the drama that would lead to the restoration of the monarchy. The bankrupting of the treasury by his father and the divisions that had opened up as result of the establishment of the Protectorate among the republic's supporters doomed Richard, who "had no understanding of the men upon whom he most depended," the officers in the army.[6]

Prior to dismissing Richard Cromwell, the main officers in the army recalled the "Rump" parliament on May 6 1659, a remnant of the Long Parliament that had executed the king, and which Oliver Cromwell had dismissed in 1653; but the army would eventually tire of that body again, as its members refused to do its bidding. The change in government encouraged royalist plotters to make one more attempt to retake the country for the king by force, the rising of the so-called "Sealed Knot," which accomplished very little but did lead to L'Estrange's involvement in public affairs, at least anonymously. Booth's Rebellion gained its name from Sir George Booth, a former parliamentarian who joined the royalists out of his dissatisfaction with the Protectorate, and who was the only member of the revolt to actually rise with an army, as the other royalist conspirators, learning that the government had discovered their plans, refused to rise.[7] L'Estrange later asserted that while the army sent John Lambert out to deal with

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[5]L'Estrange, *A Memento*, p. 49.
[6]Hutton, *Restoration*, p. 41.
[7]Hutton, *Restoration*, p. 57.

Booth's rebellion, "the Citizens [in London] were Heartily in the Businesse; and with the Allowance of Severall of them…I caused to be printed" a declaration on behalf of the City "to the Men at Westminster," i.e., the Rump, in which he says that "we are for the Religion of the Heart, not that of the Nose; and for the Law of the Land, not that of the Sword; we are likewise for the Charter of the City and the Liberties of Free-born Englishman; with which we are resolved to Stand or Fall." After charging the Rump with aggrandizing themselves at the expense of the nation, he concluded with the threat of force: "but if there be no other way left us than violence whereby to preserve ourselves in our Just Rights, what Power soever shall presume to Invade the Privilege of a Citizen, shall find 20000 Brave Fellows in the Head on't."[8] The short tract makes no mention of the king, but then none of the addresses and petitions then issuing from the London presses did.[9] As his language indicates, L'Estrange did not believe he was dealing with a legitimate authority, and he evidently felt free therefore not only to threaten but also to write as if he spoke for the city and its "Ancient" liberties, an ironic stance considering his later scorn for London and its rebelliousness against Charles II.

As in the civil wars, the country was moving again into a state of emergency, as public authority was thrown into confusion, and this was when L'Estrange moved to start publishing again. His first printed pamphlet came to nothing because the rising itself was rather easily defeated, but the main leaders in the army would eventually decide the reinstated Parliament was no longer amenable to it designs and accordingly closed its doors on October 13, transferring the government to a Committee of Safety. Then on the

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[8]The tract only exists as reprinted in his *L'Estrange His Apology*, pp. 40-1.
[9] Gary S. De Krey, *London and the Restoration, 1659-1683* (Cambridge: Cambridge UP, 2005), pp. 23-27.

25th, General Monck's letter declaring for the expelled Parliament arrived in London and completely changed the situation, as for the first time the English army divided against itself since the beginning of the civil wars, and the army leaders in London sent Lambert out again to quell a rebellion in early November 1659. The two sides decided to play for time by treating rather than fighting initially, which gave Monck time to purge his army of officers and common soldiers not loyal to him.[10]

By the beginning of December, Monck had decided to move south into England to meet him, stopping short of actual fighting. Eventually, Monck's strategy enabled him to win without fighting at all, as the army units in London eventually turned against the leaders in the Committee of Safety during that month. It was also during this time that L'Estrange started to publish pamphlets agitating first against the army and then the Rump itself. The first, which he printed after the Committee had ordered the suppression of a petition by the London apprentices on December 5, was called *The Engagement and Remonstrance of the City*, in which he wrote that "in this Exigency of Affairs, we have found it both our Duty and our Interest to Associate" to demand the withdrawal of troops which had been dispersed throughout London after the Committee of Safety had had refused a petition by the London apprentices. Any troops who did not disperse would be treated as "conspiratours" by any citizen, according to L'Estrange, for "to this extent, both in Judgment and Execution, is every Individual qualified in his own defence." Those troops had fired on a crowd and killed several of its members on December 5. On December 14, the Committee published a proclamation calling for the meeting of a new Parliament on January 24, with restrictions against former royalists as there had been in

[10] Hutton, *Restoration*, pp. 73-74.

Oliver Cromwell's parliaments. This sop to Londoners clamoring for a free Parliament came too late, however, as on the same day Admiral John Lawson, commander of the only active fleet in the Channel declared for the purged Parliament. Time was running out on the army's regime.[11]

A week after he published his first salvo, L'Estrange published another paper titled *The Final Protest, and Sense of the City* on the 19th, in which he inveighed against the army's declarations, claiming their design was the ruin of "the Late King's party, under the notion of the Common Enemy." Roger later wrote that this sheet "gave great offence to the Saints, and particularly to Tichborn, who examined the Matter himself." Matters finally came to a head, as the Common Council held elections on the 21st which increased their demands for a new parliament free of restrictions and the troops sent to blockade Portsmouth had joined with some of the secluded members of parliament, and were now marching on London. The next day the Council of Officers dispersed to their regiments, hoping to save what they could of the rapidly deteriorating loyalty of their troops. L'Estrange then seized the moment, and published another paper entitled *The Resolve of the City* on the 23rd, which railed against the Council of Officers "Agreement," published the previous day, and called more boldly for armed resistance against the army's designs. By now the regiments of troops in London, who had long gone unpaid and chafed at having to put down apprentices or their fellow soldiers, began to desert their leaders in the army, and accordingly the Rump was restored on December 24.

On January 2, seeing that the army that had been sent to pursue him was now disintegrating before him, Monck finally began to move his army into England.

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[11] *The Engagement and Remonstrance of the City* (London: 1659) Wing L1246B, p.1; Hutton, *Restoration*, pp. 79-80.

L'Estrange published another paper, called *A Free Parliament Proposed by the City to the Nation*, which was actually a reprint of an earlier one by the Common Council, with L'Estrange's commentary appended to it, calling for a free Parliament. Monck and his army finally made their way into London on February 2, while L'Estrange published yet another pamphlet against the Rump on January 24, along with three letters addressed to Monck along with another tract calling for a free parliament, the last on February 18. Three days later, on February 21, Monck ordered the purged members of the Long Parliament be readmitted, obtaining their promise for a speedy dissolution. On March 11, the Long Parliament voted to dissolve itself and call for new elections, which resulted in the return of many former royalists, despite the strictures of General Monck. One last attempt was made by John Lambert to stave off the restoration of the monarchy, as he escaped from the Tower on April 9 and managed to raise some troops, as there were still men in the localities loyal to the republic, but he was apprehended and sent back to the tower on the 22nd. The Convention Parliament met on the 25th, and despite the plans of the Presbyterian party, it voted for the return of the King on April 29. Charles II returned to England on the 8th of May, and made his formal entry into London amidst great fanfare on May 29, 1660.[12]

From the time of Booth's Rebellion in August of 1659 till the meeting of the Convention Parliament, Roger L'Estrange published at least twenty-one pamphlets and sheets, all designed to hasten the end of the republic.[13] The ones mentioned above are but

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[12] *The Final Protest, and Sense of the City* (London: 1659), Wing L1247B p.1; *The Resolve of the City* (London: 1659) Wing L1299, p.1; *A Free Parliament Proposed by the City to the Nation* (London: 1660) Wing L1250B, p.1; Hutton, *Restoration*, pp. 80-84.

[13] There is some debate over the exact number, as other works have been attributed to him during the same period, especially the work *The Appeal in the Case of the Late*

a sample of these, and L'Estrange reproduced nearly all of them in June 1660 in his *Apology*. George Kitchin is the only scholar to have described his efforts during the last days before the restoration in any detail. Kitchin was ambivalent about L'Estrange's moral character but cited approvingly L'Estrange's own later reminiscence about his activities in this period from his *Observator*, in which he claimed that "I ventured Hanging for his Majesty's Service in these times as fair and as often perhaps as any man in the three kingdoms" with approval.[14] Most modern scholars who have written about the Restoration, however, have neglected to acknowledge his contribution.[15] One contemporary historian actually used no less than five of L'Estrange's pamphlets in his narrative of the Restoration, without apparently realizing who their author was, so that he cites his *A Free Parliament Proposed by the City to the Nation* as evidence that opposition "to the Rump in London and elsewhere was…held together by the libertarian rhetoric of the 1650s."[16] The omission is understandable, as most historians have long recognized that it was former parliamentarians, many of them Presbyterian in religion, who were crucial in restoring the monarchy, while L'Estrange's royalists were forced to

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*King's Party*, which was ascribed to him by George Kitchin among others, but whose authorship has never been fully confirmed.

[14] Kitchin, *L'Estrange*, pp. 66.

[15] Geoffrey Davies, *The Restoration of Charles II* (San Marino, CA: The Huntington Library, 1955); Austin Woolrych, "Introduction," *The Complete Prose Works of John Milton*, vol. ii (New Haven & London: Yale UP, 1980), pp. 199-228; Hutton, *Restoration*; Gary S. De Krey, *London and The Restoration*, pp. 44ff; Ruth E Mayers, *1659: The Crisis of the Commonwealth* (Woodbridge, Suffolk; Rochester, NY: Boydell Press, 2004), chps. 4, 9. Austin Woolrych does however acknowledge that L'Estrange published his early pamphlets when there was still danger in doing so, "Introduction," p. 199.

[16] De Krey, *London and the Restoration*, 44, though professor De Krey does acknowledge that "different people employed that rhetoric for different purposes." Woolrych also cites one of his pamphlets without naming L'Estrange as its author, "Introduction," p. 152.

wait on events. It is also understandable because L'Estrange earned his reputation as someone denouncing what today is considered as freedom of the press, and a certain reticence to credit him with opposition via the press is not unwarranted. But it is also indicates a misunderstanding about the type of rhetoric he used. L'Estrange wrote defending the liberty of the City to rise against an illegitimate government, as a liberty of the citizens' office in a time violence and confusion, and neither he nor his contemporaries intended such appeals to be normative.

Opinion was a driving force behind the restoration, but it is worth pointing out the importance of General Monck himself to the coalition that restored the monarchy. As much as collective public opinion mattered, the fact that in late 1659 and early 1660 he controlled the only fully and regularly paid army in the three kingdoms mattered just as much, if not more. As Monck began his march toward London, the soldiers defending it began to desert their commanders in London, in part because they had not been paid; one royalist agent at the time remarked that the "true Good Old Cause is money."[17] L'Estrange was well aware of this, and directed no less than three published letters to Monck upon his arrival in London, urging a new parliament, as well as one tract urging the unpaid soldiers to mutiny. Not all opinion is created equal, and he exploited this fact in service to his king. L'Estrange shared with General Monck one particular opinion that historians of the Restoration think drove Monck to turn against the republic when he did: fear of religious sects, in this case the Quakers.[18] The appeals to the "people" that L'Estrange made in the confusion of late 1659 and early 1660 were a response to such fears, and in his mind were justified in light them of them.

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[17] Hutton, *Restoration*, pp. 73, 79, 120.
[18] Hutton, *Restoration*, pp. 71, 121-22; De Krey, *London and the Restoration*, pp. 6, 13.

**II. Apologetics & Persona: L'Estrange's *Apology***

This becomes clear when one examines his printed defense of his actions. As it turns out L'Estrange's activities were not well known or appreciated at the time either, particularly by his fellow royalists. It was in response to criticisms of his activities leading up to the restoration that he published another tract in the vindication style, in order to clear his name. In doing so, he has left us an interesting testament to his own persona as he understood it, one which demonstrates the nature of the type of persona one had construct in order to enter public debate in the type of extreme situation obtaining in 1659-1660.

The title of his defense, *L'Estrange His Apology*, is not without significance: most published works that bear the name "Apology" in the 17th century were defenses not of persons but of institutions such as the Church, or the established government, or perhaps a particular religious or political party. (Such institutions could also be counted as persons for legal purposes, as they often were.) Of over eight hundred printed "apologyies" published between the introduction of the printing press in 1473 and the time of the Restoration in 1660, only a dozen indicate by their titles that it is a person defending themselves.[19] Even then, most of these persons were defending not only their actions or beliefs but also institutions or groups which were integral to who they were. In most cases, this meant religious institutions or groups. Even if one goes back to the most famous of apologies, Plato's *Apology of Socrates*, that work is as much a defense of

[19] According to the list of titles in COPAC (the online catalogue for the University system of Great Britain, the British Library and the National Libraries of Scotland and Wales), there are 818 works listed but most of them are reprints of earlier titles. I counted ninety-eight original works prior to 1660 with the word "apology" in their title.

philosophy as it is a defense of Socrates himself. As already noted, "vindication" was also used indiscriminately as a title for a defense of persons as well as institutions, and there was much more widespread use of it as a title for such works during the course of the Civil Wars and up to the Restoration. "Vindication" was a much more common title for these works during the civil wars than was "apology." It may have something to do with the fact that "apologetics" was traditionally a religious mode of argumentation and that the term "vindication" possessed a connotation of retribution for wrongs which better suited the heightened animosities of the times.[20] Whatever the case may be, to "apologize" in the seventeenth century did not equate to making a purely individual, personal apology.

And so what might at first appear as a characteristic touch of vanity or bombast on the part of a controversial pamphleteer is in fact something else. The full title of the pamphlet bears this out: *L'Estrange His Apology: With a Short View, of some Late and Remarkable Transactions, Leading to the happy Settlement of these Nations under the Government of our Lawfull and Gracious Soveraign, Charles II.* The pamphlet is as much about what L'Estrange did to restore the monarchy as anything else. The original title page puts the words "L'Estrange," "Apology," and "Charls II" in bold letters, each word underlined in an expensive red ink to make its point.[21] What his *Apology* illustrates is that L'Estrange did not conceive of himself as an individual person apart from the

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[20] According to the OED, the term could also mean "justification by proof or examination." According to the list of titles in COPAC, there were some 3162 "vindications" published during the period between 1640 and 1660 alone, though many of these were reprints as well.

[21] Beth Lynch, "Rhetoricating and Identity in L'Estrange's Early Career, 1659-1662," in *Roger L'Estrange and the Making of Restoration Culture*, pp. 10-11.

offices with which his own identity was bound up, a unique "self" in the modern sense. It is arguable whether any such identity was possible in the seventeenth century. As stated in the introduction, L'Estrange assumed older notions of identity which did not necessarily emphasize interiority, or anything like "self fashioning."[22] His *Apology* does give us a glimpse of L'Estrange fashioning a persona in print, but the text itself—the printed incarnation of it—was not central to his identity, even though the ideas that it embodies were, as the *Apology* brings out the importance of offices to his self understanding.

*L'Estrange His Apology* presented itself as the work of one who had been slandered unjustly; the Latin inscription on the title page from Seneca's tragedy *Medea* reads "Qui aliquid statuit, parte inaudita altera, Aequum licet statuerit, Iniquus est Iudex" (He who passes judgment, one side still unheard, is an unjust judge, even if the sentence is just.) The *Apology* is in one sense a narrative of L'Estrange's doings from the time of the Kentish rising to the Restoration, though he only spends about four pages on the Kentish rising, saying in the preface that he "left out 34 Pages of what I intended," so as not to "Overcharge the Reader" with extraneous material.[23] Its preface is the most reflective part of the work, and in it he announces his motivations for publishing and directly draws the connections between the persona he assumes as an author, and the image he paints of those whom he says he is addressing, which is essential to his rhetorical strategy. But in another sense the text of the *Apology* itself is not really a narrative of L'Estrange's doings and his involvement in the Restoration at all. After the preface there follows a series of reproductions of his various petitions, pamphlets and

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[22] Taylor, *Sources of the Self*, p. 141, 374.
[23] *L'Estrange His Apology*, "The Preface," C3/1.

other texts he had written while attempting to sway the City of London to throw out the Army and the Rump. These were interspersed with L'Estrange's commentary on the text, almost as if the documents were "cut and pasted" into the *Apology* itself after the fashion of a computer word processing program. (L'Estrange the musician refers in the preface to the *Apology* as a "medley" to which he has "inserted some coherences of story, and so reduced all into an orderly Relation").[24] Thus the text itself, being something like a collection of his works up until that point, bears some of the characteristic marks of the "print culture" that Elizabeth Einstein has posited.

The ability to retrieve and reproduce texts quickly is implied by L'Estrange, as he insists it is only necessity that has driven him to publish his defense:

> Were I not Absolutely satisfied…that, in the World, I have no other way to help my self but This; I would not go this way to work. I detest anything of my own writing, upon the Second View; or were my Vanity of that Complexion, I shou'd not Entertain it, by Publishing so many Slubber'd, Hastie Copies as I have here Re-printed; and which (Heaven knows it) intended only for the Plain, Honest Business of disposing the Common People to their Obedience.[25]

Interestingly, he protests that

> My Business is a kind of Privacy, and it is scarce Good Manners, in a Stranger to Hearken after it. In sober Earnest, did I but know to whose Ear properly I might Direct the Sense of what I Suffer, I should not have Committed it to Paper. But, as the Case stands, I cannot Avoid it; for nothing but a Publique Defence, can wipe off a Publique Scandall.[26]

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[24] *L'Estrange His Apology*, "The Preface," B4.
[25] *L'Estrange His Apology*, "The Preface," B3.
[26] "The Preface," A4.

Several features of this argument are worthy of note. The most obvious is that he sees his defense as a kind of "Privacy," which would seem contradictory in his case, seeing as how he is publicizing his case by printing it. But then his is really a "private" grievance, in that he is not a "public" person, having at that point no formal, institutional office to speak of. (This is an important point, as he did think subjects have duties even if they lack formally acknowledged offices). Also interesting is his assertion that he does not know exactly whom he is addressing with his pamphlet. This might seem to be indicative of a generalized public to which appeals can be made within the realm of a public sphere, as posited by Eisenstein and Habermas. But in his *Apology*, that is precisely L'Estrange's complaint: he is not addressing an anonymous group of neutral readers, calmly debating the merits of L'Estrange's actions, but people who have harmed his reputation by spreading rumors, thereby avoiding responsibility for their opinions. Yet in publishing it, he has to appeal to *someone*, and so he constructs a sort of persona or anti-persona for the people whom he thinks have calumniated his good name. The *Apology* defines his own persona against this picture of his anonymous detractors, just as he did in his relation of what happened in Kent in 1648.

L'Estrange admitted at the outset that he could not please all parties, because "*Opinion is the Common People's Idol: they Make it first, and then they Worship it*"; thus it is that fools and knaves have "Honester and Wiser men much at their mercy," by the vehemence of the report or rumor, rather than the truth of it. But there is a remedy for it, L'Estrange wrote, for just "*as it is Vain, to strive against the Stream of Popular Affections: so Providence hath rendered it* Unnecessary *too, by making the meer*

*Conscience of a Noble Action, a large Requital of it*."[27] This then was the burden of his text: to proclaim publicly his innocence while disclaiming any intent to satisfy "opinion" in general, to base it on something more solid, as he saw it, but also to appeal to that select group of people whose good opinion he does want. How he did so is indicative in many ways of his thinking in general.

He wrote that there are three "sorts of People" whom he has to deal with, the first being "such as have no hand at all in my Dishonor," whom he pleads with not to meddle in his case, which would not interest them anyway. The second group of readers he wrote "is a sort of Mistaken Party: such as have either been Mis-led…to Credit loose Reports…by the Current of a Common Vote, Induc'd to an Assent, to what they could not Contradict, and to take Probabilities for Truths, wanting means to discern One from the Other."[28] It is to this group that L'Estrange wrote "I Dedicate this Demonstration of my Innocence." L'Estrange claimed that he welcomes the chance to defend himself, but not necessarily for that purpose alone. He purported to have "*Subjected all private Injuries, and Passions, to a Superiour Principle of Publique Duty, I reckon that this Happy Charge hath set me now at Liberty, to do my* Self *Right*," but expresses his "*Hope…of seeing all those* Judasses *laid open, that have* Betray'd *and* Sold *their* Master*: but I should be exceeding sorry, to find my Self in the* Black Catalogue" in almost the same breath.[29] Notice again how he linked doing his duty with his liberty "*do my* Self Right" by publishing his *Apology.*

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[27] *L'Estrange His Apology*, "The Preface," A1.
[28] "The Preface," A4.
[29] "The Preface," B2.

Next, L'Estrange anticipated objections to his apology, in a quasi-scholastic manner. The first objection he wrote was that "If he be Innocent (*saies one*) a Little time would have worn out, without this Bustle," to which L'Estrange answered that "*I cannot think it…Reasonable, to wayt an* Age *for what may be done in an* Hour; *and all the while, stand* Begging *That*, *as a* Civility, *which is my* Due *upon a score of* Justice."[30] It is at this point that L'Estrange gave another reason for wanting to write his defense of himself after the Restoration, and it is worth quoting in full:

> *I have an Inward* Shame*, and* Indignation *to find my self suspected among worthy Persons, that takes from me the Common* Offices, *and* Benefits *of* Society. *I cannot* Visit *where I* Would, *and* Ought*, without a* Blush: *and these* Forbearances*, in many places, are taken to proceed from want of* Inclination*, or* Good Manners; *when (God he knows) out of an Honest* Tendernesse, *to* Others, *I Crosse my* Self, *in what I Passionately* Desire.[31]

L'Estrange never identified who these "Worthy Persons" are to whom he referred, and Kitchin points out that it would have certainly been a small group of people if it referred to those who had been in exile with the King, as there were not many with him when he arrived.[32] In 1661 he published another apology, this one dedicated to Edward Hyde, the newly minted Earl of Clarendon, who had been the king's foremost minister while in exile, and it might make sense that it was to him and his circle.[33] But more importantly, L'Estrange made what at first appears like a typically modern expression of an interior conflict which has caused him to write the apology ("Inward Shame") turn immediately into an expression of a social conflict, of being severed from the social circles that in

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[30] "The Preface," B2.
[31] "The Preface," B2.
[32] Kitchin, pp. 72-3.
[33] See *To the Right Honorable Edward, Earl of Clarenden, the Humble Apology of Roger L'Estrange* (1661) Wing L1314A.

large measure constitute L'Estrange's identity: the king, his friends in the society of royalists in and around London. To be deprived of the "Common Offices and Benefits" of society was to be made into an outcast, and this, not some violation of his individuality, was what he responding to.

The next objection that he proposed against himself was that "he's a Vain Fellow *(cries another)* and Loves to hear himself Prate: __A wit__ *(with a wry mouth) &c*." He admitted that "*my Scribling gives a shrewd Offense; but alas, the People Bark at Strangers, like Whelps…although they never Saw or Read the Person, or the Thing they blame*." He was motivated not by personal gain but only acted "*with a prime Relation to a Common Good*" in publishing his tracts during the republic's final months, and asked rhetorically how anything he has written has "*Lash'd any Person…or Branded any Party that might be useful to the King's Design?*" L'Estrange cited the need to rouse the people to the Stuart cause, claiming "*it was Necessary to Imprint Honest Notions in the People: upon whose aid depended the Decision of the Controversie…at a time when,* ***6*** *Persons could not meet, without as many Spyes upon their Actions*."[34] The kingdom's state of crisis justified such intervention, and only the press made this possible. Behind his response is both an acknowledgement of the unease and ambivalence which many royalists, L'Estrange included, felt about the use of the press in public affairs. The royalists decried the volatile nature of the unlicensed press during the civil wars, but after they were defeated they found it a much more useful tool, although many men continued

[34] "The Preface," B2, B3.

to view such pamphleteering as casting out Beelzebub by means of Beelzebub.[35] This was why he had to make the appeal to a state of public emergency in order to justify his activities, especially as L'Estrange was not yet, as he was shortly to become, an employee of the government, and was still therefore a "private" person. And as subsequent chapters will demonstrate, L'Estrange's invocation of public emergency to justify acting in a public capacity in the *Apology* is quite sincere: it will be a recurring theme throughout L'Estrange's life.

The last accusation L'Estrange he raised was that he published his defense in order to share in the spoils of the Restoration—in order to get a job, in other words: "this Person *(cryes a third)*…drives an Interest, in the little story of his Gaoles, and Pamphlets, under pretence of a Necessity in Order to his Honour." This charge was related to accusation, noted earlier, that he had somehow been an agent of Cromwell. L'Estrange scoffed at the idea, but in the next sentence said that "*but when I came to find that divers of my nearest Friends were Caution'd; and with what Monstrous Secrecie Designes were Carried, for Fear of Me*," that he "*began to look about me…I found that this Intelligence was as Current about the King, as Here; and that many Eminent Persons were possessed with the same Opinion*." L'Estrange indicates these rumors were spreading even before the King's return in May, and perhaps here where he speaks of "Eminent Persons" he is referring to the future Lord Chancellor and Earl of Clarendon. More importantly, he justified his journalistic efforts on the grounds that they only furthered "*what the People Did, at Last*," a revealing choice of words given his normal antipathy to the "people"

[35] For more on this subject, see Zaret, *Origins of Democratic Culture*. L'Estrange himself was in no doubt as to both the usefulness and necessity of using the press to quell what the press had helped to unleash.

involving themselves in government.[36] He had in fact done this earlier, in one of his broadsides to Monck, *To His Excellency General Monck*, in January of 1660, when Monck was still publicly committed to a republic. L'Estrange then urged him that "*It is not the Form of Government, but the Consent of the People, that must Settle the Nation*," and that "*the Voice of the People* (in this case) *is the Declaratory Voice of Providence*."[37] This kind of talk might well seem suspicious in a supposed friend of the king. But during a public emergency, the "people" have a *duty* to restore order, to act for the common good, in this case by doing precisely what L'Estrange wanted them to do—to restore the monarchy. Thus invoking them in this context was not a defense of popular involvement per se but only in extremis, which L'Estrange was bound to join with.

The rest of the preface describes the last of the three groups he delineates, those "*whose* Study, Pride, *and* Pleasure *'tis*, *by* Scandal, *and* Detraction, *to Sink all Others down to the same Base and Sordid Level with Themselves*." L'Estrange's description, though obviously a caricature, is vivid and is perhaps drawn from his own experiences: he depicted his accuser as young man who knows "*the several Sorts of* Wines—*and* Prices *of* Whores," who then finds his way "*into a* Club *of* Wits, *(Falsly so Called)*" and there learns to mistake "Scommes *and* Blasphemy *for Wit*," terrorizing "*the Church, the Women, and* Hackny-Coachman*; Nay, the poor Coachman, with his broken Head, Scapes the best of the three*." Later on as he grows older, L'Estrange's accuser becomes "a Formal *piece of* Animated Pageantry," who goes on to take "*the* Great Chair, *and there* Declare, and Constitute *himself the* Supreme Arbitrator of all Causes. ("*This thing you may Imagin now is* Chairman *to a* Committee *for* Scandals)." He painted a convincing

[36] "The Preface," B2-B3.
[37] Reprinted in the *Apology*, pp. 61-2.

picture of someone who talks as if he has seen action in battle and relates with relish his supposed conversations with the king, and thus "*talks himself out of a Waking, into a* Real *Dream*."[38] This description he gives of his accusers resembles a portrait of the disgruntled Cavaliers whom L'Estrange more or less would become spokesman for. The drunken, debauched and violent behavior he suggests characterized the violence and drunkenness of many of Charles's courtiers was a continual source of embarrassment for Edward Hyde, the Earl of Clarendon in exile.[39] L'Estrange admitted later in his career that he was "not altogether free from drunkenness and profanity" and confessed himself not "absolutely free from those distempers which I am both sorry for and ashamed of."[40] His *Apology* painted himself against this type, as someone sober, only interested in the public good, and it is plausible that his antagonists were other disgruntled Cavaliers, not unlike L'Estrange. It is an interesting comment on the confusion and disappointment that followed the Restoration for those who considered themselves to have been loyal to the cause of Charles II in exile.

As indicated before, the rest of the *Apology* is a rough narrative made up of items that L'Estrange published during the run up to the Restoration itself. In most versions, the text stops abruptly just as L'Estrange is introducing his attack on Milton, *No Blinde Guides*, against a pamphlet by Milton which is itself an answer to a sermon by a High

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[38] "The Preface," B3-C2.
[39] Kitchins, pp. 68-70; Paul Seaward, 'Charles II (1630–1685)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, May 2006 [http://www.oxforddnb.com.www2.lib.ku.edu:2048/view/article/5144].
[40] Kitchins, p. 70. Some contemporaries also insinuated that L'Estrange was a womanizer. See Harold Love, 'Sir Roger L'Estrange,' *Oxford Dictionary of National Biography*.

Church divine, Matthew Griffiths.[41] There are some twenty-one texts reprinted in the *Apology*, depending on which textual variant one consults. In fact, as it progresses there is less and less narrative commentary from him, as the whole work becomes more and more those texts. The last one he reprints at the end of the *Apology* was a response to a pamphlet entitled *An Alarum to the Armies of England, Scotland, and Ireland*, and he does not say who wrote it, though it would be logical to assume that he did so himself.[42] It hardly mattered if he did or not, as in any case he had made his point: *L'Estrange* was inseparable from the monarchy, and not even the king himself would be able to detach him later when he would have liked to, overzealous supporter that he was. The *Apology* ends in the same way an epic poem begins, *in media res*, and for a similar reason. L'Estrange's *Apology* presents his identity like an epic, as a holistic narrative, in which each part reflects the whole the story, and so exactly where the story ends or begins is irrelevant, since all readers or hearers of an epic know how it will end anyway. The same could be said with the *Apology* but with this difference, namely that he *was* fashioning a persona for himself but which was an ephemeral one, tailored to meet the needs of the moment rather than consciously "self fashioned" but still embodying the constellation of offices and duties that, for L'Estrange, amounted to who he was.

By the time of its publication, his readers knew how his story ended because the Restoration was already accomplished when he published the *Apology*; it bears repeating that the reception of these print personae he created for himself depended upon the fortunes of the institutions he served. L'Estrange indicated in what has been excerpted so far the he acted out of a sense of duty, but added "*that it hath been the Constant Business*

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[41] *L'Estrange His Apology*, p. 157.
[42] *L'Estrange His Apology*, p. 145.

*of my Life to do my Duty to his Majestie*."[43] It this persona—that of the good, dutiful subject of the king—which makes his actions as a private citizen just and right, which otherwise could have been (and were) interpreted as the actions of an opportunist who interjected himself into the public fray without any authority to do so, because his *Apology* "was Written for a Publique End, and Fashioned to the Humour of the People" in a state of public emergency.[44]

The contested nature of such a claim helps explain why someone who later gained such a reputation for royalist partisanship should be accused by his fellow travelers, but the diffusion of print probably facilitated misunderstandings. Years later a line from one of his pre-Restoration tracts where he complained about the abuses of the soldiers in London ("A Citizen's skull is but a thing to try the Temper of a Souldiers Sword upon") was wrenched from its context during the Exclusion Crisis and presented as L'Estrange's approbation of violence against Londoners.[45] Additionally, it was a long time before L'Estrange and other royalist pamphleteers could openly espouse the king's cause, and a lazy reading of his 1659 pamphlets could potentially have left one inclined to believe rumors of his alleged Cromwellian apostasy. The printing press could be used to spread misinformation just as well as information, as he well knew. But the press also allowed L'Estrange to assert what he thought was his true persona, his loyalty embodied in countless ink spilled (in lieu of blood) for the king when it was dangerous to do so, and some of the features that made him instantly recognizable as a writer are present in his

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[43] *Apology*, "The Preface," B1.
[44] *L'Estrange His Apology*, "The Preface," C3.
[45] In a pamphlet called *L'Estrange's Sayings* (London: Langley Curtis, 1681) Wing M2274A, p.1. The accusation was believable because of his vituperation of the City for its defiance of the king in 1681. See chapter V.

*Apology*. One can glimpse for example, in the passage quoted above, where he says he has "*Hope…of seeing all those* Judasses *laid open*" who betrayed the king, the beginnings of his readily recognizable typographical style. There he emphasizes the word "Judases" in a Gothic script, something he does quite frequently throughout his works, most notably in his *Observator* during the early 1680s.

It is possible that one of the reasons he creates this personal style, not because he is "fashioning" himself via the media of print, but in order to keep his works from being pirated, something made that much easier by the very medium itself. L'Estrange's texts were typographically atypical for their time, notably in his heavy use of italics and other fonts, black letters, parentheses, and the use of capital letters to suggest a vocal emphasis in his texts. As Harold Love has noted, the arrangement of the different type cases for different fonts would have been a cumbersome and time consuming process for L'Estrange's printers, and so it was likely meant to give his texts a sense of orality, as if the reader was overhearing a conversation.[46] Love suggests that L'Estrange's efforts were meant to overcome the "dictates" of print technology, which, following Walter Ong, Love says suppresses the phonological reflex of language away from vocalization to the evenly spaced lines of words which our eyes can scan over quickly without having to vocalize.[47] This is true, but it is worth reflecting on why L'Estrange did this. It was not merely that, like James Joyce, he was musically inclined and wished to express himself in a particularly vocal way in print; such an "expressivist" notion was alien to his thinking and to his age more generally. Rather, as Adrian Johns has pointed out, the uncertainty of

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[46] Harold Love, "L'Estrange, Joyce, and the Dictates of Typography," *Roger L'Estrange and the Making of Restoration Culture*, pp. 167-68.
[47] Love, "Dictates of Typography," pp. 169-177.

the whole process of printing and publishing made piracy an endemic problem, so much so that some authors signed their texts with their own hand for fear of pirated copies.[48] L'Estrange likely oversaw the production of his texts personally, as he would have easy access living in the same house as his printer, the one way in which Johns says an author could guarantee the safe production of his texts.[49]

L'Estrange would have to wait nearly three years before being made Surveyor of the Press, mainly because the government was not in a position till that point to be able to pursue its dissenters in the way L'Estrange had wanted to all along. As usual, he was constrained by those more powerful and important than he was. He admits as much in the second edition of the *Apology*, whose title dropped that word, where he says that "*the reason why I* Printed *it is gone, and so it is that too why it was not minded. My Credit being at present* Fairer *than it was, although my* Fortune *somewhat Worse: But till all Offices were disposed of, it might have possibly been Inconvenient to believe any man* honest*, that was* poor."[50] Framing one's appeal in terms of office may have gotten him a hearing, but it did not guarantee success. Nor do I wish to suggest that everyone took their offices as seriously as L'Estrange in the seventeenth century, or insist on his sincerity in all cases, only that those who made public appeals largely had to couch them in that idiom in order to be heard at all.

The tacit assumptions of office were not often made explicit as they were in L'Estrange's writings, but it was present at least implicitly in many of the tracts written in

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[48] Johns, *Nature of the Book*, p. 182.
[49] Love, "Dictates of Typography," p. 167; Johns, *Nature of the Book,* p. 102.
[50] *A Short View of some remarkable transactions, leading to the happy settlement of these nations under the government of our lawfull and gracious sovereign, Charles II, whom God preserve* (London: Henry Brome, 1660) Wing L1308, "The Preface."

1659-1660. In the enlarged second edition of *The Readie and Easie Way*, John Milton justified his own foray into public debate not by invoking the liberty of the press, but of counsel, to justify his intervention: "I never read of any State, scarce of any Tyrant grown so incurable, as to refuse counsel from any in a time of public deliberation…if thir absolute determination be to enthrall us, before so long a Lent of Servitude, they may permit us a little Shroving time first, wherin to speak freely, and take our leaves of Libertie." The persona of a counselor was of course a commonplace of early modern political rhetoric, and was in fact, as Condren has noted,[51] the principal means used to criticize Charles I leading up to the civil wars, namely that he was beset by "evil counselors." Milton's justification for publishing at that time is virtually identical to L'Estrange's: "With all hazard I ventur'd what I thought my duty to speak in season, and to forewarne my countrey in time," in order "to exhort this torrent also of the people…to keep thir due channel…fearing to what a precipice of destruction the deluge of this epidemic madness would hurrie us through the…defection of a midguided and abus'd multitude."[52] Both L'Estrange and Milton justified the "liberty" they took in publishing by appealing to the performance of a certain kind of office—a loyal subject in L'Estrange's case, that of a counselor in Milton's.

In the crisis year of 1659, there others who thought the time ripe for to counsel the newly reinstated Parliament, and justified their publications with implicit appeal to office:

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[51] Condren, *Argument and Authority*, pp. 162-171. See also John Guy, "The Rhetoric of Counsel in Early Modern England," *Tudor Political Culture*, ed. Dale Hoak (Cambridge: Cambridge UP, 1995), pp. 292-310.

[52] John Milton, "The Readie and Easie Way to Establish a Free Commonwealth. The Second Edition Revis'd and Augmented," *The Riverside Milton* (London: 1660. Reprinted, Boston, New York: Houghton Mifflin, 1998) pp. 1136, 1148-49. It was published in early April of 1660.

Richard Baxter published his *Holy Commonwealth* in 1659 with a preface in which he censured his former Parliamentary allies in the persona of a friend who because of "*my dearest Love to some of you*, am more obliged to speak than others," comparing himself with archbishops who chastised Elizabeth and James I.[53] William Prynne published the case of the secluded members of the Long Parliament in 1659, advertising himself as "a Bencher of Lincoln's Inn," and claimed he thought it a "Christian duty incumbent on me in this day of the late *Anti-Parliamentary Junctoes*" to "*rebuke* them plainly, *sharply*, for their manifold Treasons…against all their sacred and civil Obligations.[54] John Evelyn's anonymously published *Apology for the Royal Party* portrayed the author in the guise of a "plain Country Gentleman" who "religiously declared" that he had "no unworthy or sinister designe of his own to satisfie" but merely to "testifie a friendship" by reminding his putative reader not to "cancel your duty to your prince."[55] Likewise, the anonymous minister who chided both the army and the Long Parliament's members wrote that the time was more fit for "*wholesome Counsell, seeing…that it proceeds from a heart that sincerely desires the good of their souls, as well as the good of the Nation*," and presented

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[53] Richard Baxter, *A Holy Commonwealth* (London: Thomas Underhill & Francis Tyton, 1659) Wing B1281, "The Preface," pp. A7-A8.
[54] William Prynne, *Conscientious, Serious Theological and Legal Quaeres, Propounded to the twice dissipated, self-created, Ant-Parliamentary Junctoes and its Members* (London: Edward Thomas, 1659) Wing P3930, p. 1. Prynne published at least twenty pamphlets in 1659 identifying himself as a member of Lincoln's Inn, though some of them were more strictly theological in nature rather than addressing the Long Parliament.
[55] John Evelyn, *Apology for the Royal Party* (London: 1659) Wing E3482, p. 1, p. 8, pp. 12-13.

himself as one who would "humbly and heartily advise you…as a Messenger of God" to repent of their sins against the king and the Presbyterians.[56]

Conversely, the supporters of the Commonwealth couched their appeals to the army or Parliament in much the same way. The former Fifth Monarchist John Rogers appealed to the army by proclaiming "I shall offer you the Sense of your *Old Friends*, in seven or eight sentences, wherein (I hope) have the Mind of God,"[57] while the "lovers of the Commonwealth" from Hampshire declared themselves "bound in duty to God, our Country and Posterity" to affirm their "love and desire of a firm and just Commonwealths Government";[58] another anonymous author defending the republic advertised himself as "unbiased Statesman" and a "well seasoned Friend, *viz*. , a real Lover of his Country."[59] William Bray expounded his thoughts on John Harrington's *Political Aphorisms* but claimed it was "only in love to my Countrey (in which I have bin 11 years a great sufferer) I put in my mite" and for the "discharge of my Conscience,"[60] as did John Rogers, invoking "the *common liberty* of animadverting or making a common judgment with other men," in reply to Harrington, and claimed to be "ready and devoted…to be

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[56] *A Serious Admonition to those Members of Parliament that sate alone without the Secluded Members, with another to those Souldiers yet living, that Secluded the major part of the House of Commons* (London: Thomas Parkhurst, 1660) Wing B30, p. A3, p.3.
[57] John Rogers, *Mr. Pryn's Good Old Cause Stated and Stunted* (London: J.C. for Livewell Chapman,1659) Wing R1812, p. 18.
[58] *England's Standard…or a Remonstrance of the Lovers of the Commonwealth* (London: Livewell Chapman, Nov. 1659) Wing E3054, p. 2.
[59] *The Unbiassed Statesman…Being a Seasonable Word for the Commonwealth, In a Seasonable Time, from a well seasoned Friend, viz. A real Lover of his Country* (London: Livewell Chapman, 1659) Wing U30.
[60] William Bray, *A Plea for the People's Good Old Cause* (London: J.C. for Francis Smith, 1659) Wing B4307, p.14.

*any thing*: or *nothing*…so I may be but Christ's and my Countries' in every thing."[61] Even a writer such as Marchamont Nedham, who couched his appeal in terms of interest rather than duty, still had recourse to the language of public emergency, of the threat of a "Publick Enemy" (those who would restore the monarchy) which justified giving the people "a view of their true Interests."[62] And some writers, like Henry Stubbe, invoked the language of providence to explain their forays into print, as he claimed he was "*unexpectedly called to this worke by* the good providence of God*, in our late changes*."[63]

Not all of the pamphlets published during the crisis period preceding the Restoration stated so explicitly the justification for their appeals to the opinion of their fellow countrymen, but even those that did not often made duty or office the subject of their writings, as they often dealt with issues such as the nature of the office of kingship (whether it was the best form of government or not),[64] and sometimes were directly aimed at urging some figure to fulfill the duties of their office.[65] What they do demonstrate is the flexibility and the wide spread nature of terms of office, even among

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[61] John Rogers, *Mr. Harrington's Parallel Unparallel'd* (London: 1659) Wing R1810, pp.1,12.
[62] Marchamont Nedham, *Interest Will Not Lie* (London: Thomas Newcombe, 1659) Wing N392, p.1. For other instances of appealing to the extraordinary state of affairs, see *The Good Old Cause Explained, Reviv'd and Asserted* (London: 1659) Wing G1078, p. 8; Henry Stubbe, *The Commonwealth of Israel* (London: Thomas Brewster, 1659) Wing S6045, p.6.
[63] Henry Stubbe, *An Essay in Defense of the Good Old Cause* (London: 1659), p.2.
[64] See *No King but the Old King's Son, or a Vindication of Limited Monarchy* (London: 1659) Wing N1180, for the pro side, and *Some of the Arguments and Reasons Against the Office and Title of Kingship* (London: Thomas Brewster, 1659) Wing S4544, for the con. On republican arguments against monarchy more generally, see Mayers, 1659, p.217.
[65] *The Armies Duty, or Faithfull Advice to the Souldiers* (London: 1659) Wing M28, p.10. p.12, p.28; George Fox, *The Lamb's Officer* (London: Thomas Simmons, 1659) Wing F1855, upbraided "all the Orthodox Men" of England in apocalyptic tones but still in the language of office, embodying the persona of a prophet by announcing that "Jesus Christ is come to reign, and his everlasting Kingdome and Scepter is set up," calling them all to the "Bar of Judgment," p.1.

those who lacked formal offices themselves, and how important such terms could be for those who wished to enter public debate. This helps us place the *Apology* in its proper context, as regards L'Estrange's identity. Even if one takes his *Apology* to be evidence for something like "self-fashioning," it is clear that such identity shaping was not terribly important to L'Estrange himself. The tensions inherent in the text, and in his identity, such as they are, do not concern a tension between a "public persona and an inner self," nor did his "whole identity" depend "upon the existence of a private retreat," as in Greenblatt's reading of Thomas More.[66] They rather indicate tensions between the demands of different offices, different duties, whose demands could vary enough to make any seventeenth century person's identity just as complex as that of someone with a sense of self more indicative of ideas associated with modernity, especially when the precise relationship between public and private obligations were muddled by the events of 1659-1660, as the Commonwealth government slowly lost its legitimacy among opinion makers. His persona in the *Apology* was a creature of the moment, born of extraordinary circumstances, as one would expect.

**III. Voice of the Cavaliers**

The actual effect of his *Apology* was in fact negligible, if it its intention was to gain for L'Estrange a post. In June 1660, L'Estrange was a disgruntled, middle aged ex-Cavalier whose temperament was not conducive to understanding the restored monarchy's plight when it came to the dispensation of offices. The newly restored monarchy retained a good deal of the personnel and even some of the apparatus of the republican regime, both at a national and a local level. This was inevitable, given that it

[66] Stephen Greenblatt, *Renaissance Self Fashioning*, p. 45.

was the decision of men like Monck to throw in their lot with the king when it became possible to do so, not to mention the fact that it was republican officials were useful to a regime that could not supply enough experienced people from among the ranks of the die hard supporters of the monarchy during the interregnum. The monarchy did what it could to provide for those who had fought for the king during the civil war, and royalists were slightly more prominent in the new government than former parliamentarians, though local governments were often run by those who had served in the republic or protectorate. Professor Hutton has shown that the government was willing but simply not able to reward all of its loyal followers at the Restoration, and that many of the complaints against it simply did not stand up to scrutiny. However, the Act of Indemnity did not substantially alter the situation of those—like Roger's family—whose estates had been plundered or forced to pay a decimation tax, and were forced to litigate their cases individually, which they for the most part managed to do. This left many a royalist with a powerful a sense of grievance which they were not reticent about voicing to the government.[67] Foremost among them, as usual, was L'Estrange, who had a gift for nursing and maintaining grievances in the press.

Following the publication of the *Apology*, L'Estrange had bided his time while watching those who had fought the king be rewarded by the new monarch, but he kept himself busy; he published a screed against Cromwell's former news writer Marchamont Nedham called *A Rope for a Pol*, in which he republished passages from Nedham's paper *Mercurius Politicus* in September of 1660, in order to expose the sedition of Cromwell's former newsman, so that he "*should (at least) carry some mark about him, as the*

[67] Hutton, *Restoration*, pp. 136-38; N.H. Keeble, *The Restoration: England in the 1660s* (Oxford: Blackwell Publishing, 2002), pp.77-84.

*recompense of his villanies*."[68] He claimed to have published *Rope for a Pol* precisely to prevent Nedham from benefitting from the Act of Indemnity and Oblivion, which had already been passed. He would later write that it was from September of that year that he commenced writing about his "discoveries." Then in January of 1661, Venner's rebellion reignited the fears of the gentry about religiously inspired insurrections. This event helped to poison the atmosphere around attempts at reconciling the various parties with regards to the settlement of the Church of England, and in the following months L'Estrange began his campaign against the Presbyterians, whom he had so recently joined in helping to bring back the monarchy. The religious grievance was the most powerful issue motivation the disgruntled Cavaliers, and L'Estrange blamed the Presbyterians in particular for the death of Charles I.

Prior to coming back into the government's good graces, he made one last public declaration of his frustrations at the perceived ill-treatment of the Cavaliers. In July of 1661, James Howell, a royalist who had been given a position in the government as Historiographer Royal, published a single sheet broadside called *A Cordiall for the Cavaliers*, in which he admonished his less fortunate Cavalier friends to moderate their complaints against the government. It was this tract which prompted L'Estrange to publish *A Caveat to the Cavaliers*, which was evidently quite popular, as it went through four editions in three months. In it, L'Estrange delineated between the King's "Friends" and his "Enemies," and insisted upon the principled nature of the loyalty and deprivations of the Cavalier party. He also listed several ways that the king's "friends" could not "mistake their enemies," chief among them being whether or not they had publicly

[68] *A Rope for a Pol* (London: 1660) Wing L1299A, "An Advertisement to the Reader."

repented of their actions against the king, insisting that the Act of Indemnity was merely legal, and did not obviate the moral obligation of repentance. He defended his actions by saying that he was not dredging up old offenses but pointing out present dangers to the monarchy (only the former were covered by the Act, something Charles himself pointed out to the Convention Parliament).[69]

Though he denied doing so, L'Estrange tacitly criticized the King's speech in the *Caveat*, admitting that between the impoverished Cavaliers and the king "One clearly does not understand the Other"; the Cavaliers were "perplexed about our Sovereign," who bestowed so many "Offices and Honours" on his former enemies that it required L'Estrange to "give himself a Second thought to understand the meaning of it."[70] L'Estrange actually went so far as to warn against raising up too many new men to "be enriched out of the Common Stock," which might entice men "who under the Temptation of Great Indignities, and Fair Occasions, must be exceeding Honest, not to be Troublesome."[71] These vague threats were coupled with effusive affirmations of passive obedience, and the absolute nature of monarchy, L'Estrange claiming that the Cavaliers would rather suffer death than resist the king, but would still refuse to acknowledge that their fate was anything other than unjust. Sir John Birkenhead, then licenser of the press and former editor of the war time royalist news book *Mercurius Aulicus*, charged L'Estrange with writing against the king to a parliamentary commission.[72] L'Estrange in another pamphlet claimed that Birkenhead "would have had me to Bridewell for my

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[69] *A Caveat to the Cavaliers*, 1st ed. (London: Thomas Brewster, 1661) Wing L1214, pp. 32-35; Hutton, *Restoration*, p. 136.
[70] *Caveat*, pp. 22-23.
[71] *Caveat*, p. 18.
[72] Nicholas Van Maltzhan, "L'Estrange's Milton," in *Roger L'Estrange and Restoration Culture*, p. 35; Kitchin, *Sir Roger L'Estrange*, p. 92.

*Caveat*," and "have had me Lashed upon the Statute." (He also suggested, perhaps out of frustration with such accusations, that Birkenhead had taken money from Cromwell.)[73]

Striking against the government over who had done what during the dark years in the wilderness caused no small amount of consternation to Clarendon, and brought L'Estrange's reputation at court to a low ebb. He thus published another pamphlet in defense of his earlier one, called *A Modest Plea for the Caveat*, in which he claimed as a defense of his earlier pamphlet the sedition of preachers in London, as well as that of the press, whose "private Instruments and *Combinations*" have dispersed "a Million of Seditious Pamphlets" about London, warning that dangerous men had been given offices and preferment.[74] Again he couched his apparent transgression of the Act of Indemnity in the language of office, citing specifically fears about the king's person as reason for his "discovery" of seditious pamphlets:

> Is it not lawful for a *Private Subject* to offer his *Prince* an *Information*? Nay, is he not obliged upon pain of *Perjury*, and *Treason* (if under Oath, as I am) to the *Discovery* of anything *he knows* or *hears of*, that may be *Dangerous* to his *Majesty*? If it be *Criminal* to tell those *truths*, without the *Knowledge* of which a Prince cannot be *safe*, then I'm in a *mistake*, otherwise not: For *there* I *rest* without *prescribing*, my Duty being only to *discover*, without *presuming* to *Advise* or *Direct*.[75]

L'Estrange may have been referencing the Sedition Act of 1661, which was passed "for the safety and preservation of the king's person…against treasonable and seditious attempts practices" in June of 1661, though the oath he makes mention of may have been

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[73] *The Relapsed Apostate*, Introduction.
[74] *A Modest Plea for the Caveat, and the Author of It* (London: Henry Brome, 1661) Wing L1272, pp. 9-10.
[75] *A Modest Plea*, p. 21.

one he took with regards to his activities as an informer against illegal printers.[76] He would perform these "informing" activities on and off throughout his career, and made him useful to the government, though not at the moment when the monarchy was so recently restored. As succeeding chapters will show, his informing activities are partly what made him useful to the government, and would eventually help him gain the offices he sought. He also pressed his own particular grievances, complaining of one those who had profited from their crimes against the monarchy at the expense of the "loyal" party.[77]

L'Estrange's importunate identification of his own grievances with the king's cause must have touched a chord with other former royalists, but it also made him seem a nuisance to a government which was trying to establish itself. He might well ask "where is the man that presses Loyalty, that streins the knot of Duty harder than I do? And to conclude, where have I practiced other than I preach?" but the government simply could not make good on the sort of vindictive restitution that L'Estrange and his party were expecting. Mark Goldie has recently noted that L'Estrange maintained a certain independence from the crown in his later years, being a voice for the "Tory back bench," but he even at this stage of his career he could complain that he had served "his Majesty in being, and his blessed *Father* these One and Twenty Years, without either *asking* or *receiving* any thing—*Let him that charges me make the same challenge*."[78] L'Estrange's boast contained an implicit appeal for reward, but it also hints at something more

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[76] "Act for the Preservation of the King," in *English Historical Documents, Vol. VII, 1660-1714*, ed. Andrew Browning (London: Eyre & Spottiswoode, 1966), pp. 63-65; Kitchin, *Sir Roger L'Estrange*, 73; Love, 'Sir Roger L'Estrange.' Both the Corporation Act and the Act of Uniformity required the swearing of an oath abjuring violence against the king as well. See Browning, *English Historical Documents*, p. 375, p. 379.
[77] *A Modest Plea*, p. 27.
[78] Goldie, "L'Estrange's *Observator*," 76; *A Modest Plea*, pp.4-5.

important. Since the language of duty was a common currency and not something directly tied to the institutionalized offices that the king or Parliament could control, one could appeal to their sense of duty when attempting to influence public affairs, as L'Estrange did, both as a means of establishing his independence from the crown, but also as a way of offering service to it. In an age when there existed little bureaucracy in a modern sense, this was crucial to the success of minor figures as L'Estrange, who not only attempted to prove his loyalty this way but also threatened make trouble if his superiors, whom later on will mostly be the Secretaries of State, did not perform their offices to his expectations.

Nonetheless, rumors were still circulating that he had been in the pay of Cromwell at the end of 1661, for in December of that year he penned yet another public apology, this time to Clarendon, *To the Right Honorable Edward Earl of Clarendon, the Humble Apology of Roger L'Estrange*. In it he related a meeting with a man in Westminster who stopped him to confess that he had given information to Clarendon that L'Estrange had "betray'd the King's Designs," but told him "*with such* Caution *and* Deliberation *that you your self in my place would have done no lesse*." He informed Clarendon that some talk as if "your *Lordship* was my *Enemy*," mainly upon the declaration of one James Whitlock, a former supporter of Cromwell, who says that "*L'Estrange* WAS A TRAYTOUR; AND HAD RECEIVED *six hundred Pounds in Gold from* CROMWELL—*Hinc illae lachryme*." L'Estrange protested that he had never taken any "*Protestation*, *Covenant*, *Oath*, or any *Engagement*" from the Commonwealth, or dealt with Cromwell's men "*upon Publique business*." He then related the basic events of his life yet again from the Bishop's wars up to the Restoration. Interestingly, he appeals to

the opinion of "half of the honest Part of the *City*" that his pamphlets during the run up to the Restoration were "no *Ill office* to his *Majesty*: they will at Least acquit me, of *Ill Meaning*." He ended by saying that "I have spent *twenty years* now in his *Majesty's Service* according to my *Duty*, and after all, I only beg not to be thought a *Villein*."[79]

What is noticeable at first glance about this little tract is that, as opposed to the one he had penned the previous year, his letter to Clarendon was meant as an "apology" in the modern sense of the term, as L'Estrange acknowledged that "having escaped all these Rocks and Storms, I have meet new dangers in the *Harbour*: I find myself crushed under fresh mistakes," perhaps referring to his *Caveat* and the fallout from it. What is also worthy of note in this work is that he explicitly mentions an "appeal extant in my *Apology*" as testimony to his activities toward the restoration of the monarchy, which might indicate that Clarendon had not heard of it at that point.[80] His *Apology* had clearly not done its work in clearing his name of disloyalty. This has lead one scholar to surmise their might have been something to the charges against him, that perhaps L'Estrange was protesting too much.[81] But there is no need to suppose this; the mere appearance of his disloyalty would be enough to ruin Roger's claim for advancement, as he was competing against other ex-Cavaliers from whom he had to distinguish himself, and so the rumor of disloyalty would have been enough to make him protest very loudly of his innocence. For our purposes, it is enough to note that the he never dropped the persona of a loyal subject, in anything he wrote; he believed in the efficacy of his appeals to office, which he never ceased to make throughout his life.

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[79] *To the Right Honorable Edward, Earl of Clarenden, the Humble Apology of Roger L'Estrange*, pp. 1-6.
[80] *Humble Apology*, p. 6.
[81] Lynch, "Rhetoricating and Idenity," p. 18.

In drawing this chapter to a close, it is worth pondering his early struggles to clear his name. Clearly, he positioned his persona in print as identical to that of the monarchy, and appealed to his sense of an office rightly performed, which he believed did not depend upon anything like one might call "public opinion." But the success of that appeal depended upon opinion of the powerful, of the king and his ministers and their recognition (or lack thereof) of the legitimacy of such an identification. By the beginning of 1662, he had already begun searching for seditious libels against the government on his own, but had yet to be rewarded with any kind of formal office. Thus for nearly three years, going back to the end of the Commonwealth, he had failed to rouse the powerful to his side. This presents the essential paradox of L'Estrange's career, in that his output was for the most part dedicated to silencing public opinion on matters of government, of "disposing the Common People to their Obedience," his works were nonetheless popular, while he was not always very popular with the crown and the government. L'Estrange's works would be bestsellers for his printer, Harry Brome, and as already noted his typographic style was one which even at this early date suggested a certain orality, and in time his works would be read in coffee houses and taverns by his supporters, as a means of rallying Tory supporters against their Whig counterparts.[82] It was possible that it was the slangy, oral sounding quality of his prose as much as the vehemence of his vituperation which made him the voice of the Cavaliers in the early 1660s; it certainly became a trademark of his style, an identifying marker of that loyal persona which would

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[82]Nicholas von Maltzahn, 'Brome, Henry (*d.* 1681)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [http://www.oxforddnb.com.www2.lib.ku.edu:2048/view/article/69222, accessed 11 May 2009]; Harold Love, "Joyce, L'Estrange and Typography," p. 175.

become so instantly recognizable in the years to come—and so easy to mock, deride and abuse, just as he did to his opponents. Just as an office has its corresponding abuse—kingship its tyranny, the Christian ministry its popery—L'Estrange's loyal persona would find its counterpart in the many epithets his opponents would hurl against him throughout his career, the polar opposite of the personae he tried to assert in print.

By the end of 1662, L'Estrange would defend himself as an officer of the crown, for the restored government of Charles II had finally found a use for their troublesome supporter. He could be quarrelsome, but his skills would be an asset when the government's religious policy shifted after 1661, and the toleration promised in the Declaration of Breda was left behind. L'Estrange, as mentioned earlier, was already beginning to publish tracts against the Presbyterian party in 1661, and it was likely his efforts in this regard which convinced the government to make take him on board, rather than any sense of obligation to him for past service to the crown. His letter to Clarendon was originally published along with the last of his anti-Presbyterian pamphlets, *State Divinity*, on December 4th 1661; a little less than three months later, on February 1662, he was made Surveyor of the Press. Religious threats to the monarchy would be his obsession for much of his career, and the question of religion has been avoided until this point in order to treat it separately, as it was the *raison d'etre* both for the matter but also the vehemence of his public writings. The next two chapters will break with strict chronological order, the next to consider his religious opinions, particularly his ideas about conscience, oaths, and their relationship to government—religious as well as civil—and how they shaped his view of religious toleration. The chapter following it will demonstrate the links between his views about conscience and toleration to his activities

as licenser and Surveyor. What they will show is that L'Estrange felt the need to do precisely those things which modern society has forbidden as transgressing the practically sacred boundaries of private space by government—persecuting religious minorities and suppressing dissent against the government—for the same reasons that his opponents tried to undermine his efforts: he believed it was his duty to do so.

# CHAPTER III
# THE GOD OF ORDER: RELIGION, CONSCIENCE & TOLERATION IN L'ESTRANGE'S WRITINGS

This chapter will investigate the evidence for Roger L'Estrange's religious beliefs, and argue for their importance in his career. First, it will argue for the importance of order and duty in both L'Estrange's religious beliefs and those of his contemporaries. Second, it will connect this stress on duty and order to religiously inspired threats to monarchy in the early modern period, and show that L'Estrange's concerns on this issued were shared by his contemporaries. Finally, the last two sections of the chapter will resume the narrative of his career in the early 1660s, and show how presuppositions of office underlay his disagreements with Protestant Dissenters from the Church of England, principally in his works against Richard Baxter and John Corbet, two Presbyterian ministers ejected from their livings by the Church settlement of 1661. Lastly, it will examine L'Estrange's primary work on religious toleration, entitled *Toleration Discuss'd*, which laid out his arguments against such toleration, regarding the countenancing of different religious sects as a threat to order itself. It will conclude that presuppositions of office were crucial to his understanding of religion, and that his religious beliefs ultimately determined his political commitments.

## I. Sacred Order, Sacred Duty: L'Estrange's Religion

L'Estrange was nothing if not brutally honest. In *Sir Politique Uncased*, which he published just before the Restoration, he cited Hugo Grotius, to the effect that every one gives up their "Original Right" of self preservation to the monarchy for the sake of "a *Nobler Good—Society, and Order*, without which, there's no *Peace*." Even if one were

to "draw my Sword against my *Prince*, although to save my *self*, in me, is *Treason*: but if I *lose my Life*, by not *opposing Him*, 'tis he alone that's *Criminal*, I am *Innocent*." It is the ruler's duty "not to *Command amisse*, and 'tis the *Subjects Duty to Obey*," or failing that, "*refuse* without *Resisting*." Later in 1661, in one of his anti-Presbyterian tracts, he asserted that "Obedience to Kings" was "a Divine Precept, and not subjected to those accidents which work upon our Passions."[1] His thoughts on this score echoes other exponents of divine right monarchy in the Restoration period, who drew on Bodin and other continental thinkers for their theory of monarchical sovereignty but also occasionally invoked Thomas Hobbes in some of his writings as well.[2] Essentially, this meant that the king alone was sovereign, and that Parliament or the people had no share in sovereignty; kings were expected to rule according to the laws, but if they did not subjects could not resist them, as the king was alone the source of law itself.[3] In his later writings he would add patriarchalist arguments of the type associated with Sir Robert Filmer about the paternal power of kings,[4] but L'Estrange was a controversialist, not a

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[1] *Sir Politique Uncased* (London: 1660) Wing L1308A, pp. 3-4; *Interest Mistaken, or the Holy Cheat* (London: Henry Brome, 1661) Wing L1262, "To the People," A3?.

[2] *Interest Mistaken*, p.55; on the appeal to Bodin in royalist writings in the Restoration, see Mark Goldie, "John Locke and Anglican Royalism," *Political Studies* XXXI (1983), pp.69-71; Johann Sommerville, "English and European Political Ideas in the Early Seventeenth Century: Revisionism and the Case of Absolutism," *Journal of British Studies*, Vol. 35, No. 2, (April, 1996) pp.173-190. For L'Estrange's allusions to Hobbes, see *Memento*, p. 204; *Toleration Discuss'd* (London: Henry Brome, 1663) Wing L1315, pp.67-68.

[3] Goldie, "John Locke and Anglican Royalism," p. 70; Anthony Burgess, "Divine Right of Kings Reconsidered," *The English Historical Review*, Vol. 107, N0. 25, (Oct. 1992), p.844.

[4] *The Character of a Papist in Masqerade* (London: Henry Brome, 1681) Wing L1215, p. 13. Royalist thought contained tensions between a more "voluntarist" ideal of sovereignty (that the king's sovereignty represented a sort of representation of the wills of the entire community, as in Hobbes) and a more naturalistic conception, akin to the power of fathers, as in Filmer, but both were present in royalist thinking from the early

theorist, and his justifications were never systematic; his only purpose was to reiterate the general precept that kings were to be obeyed and not resisted, even if they were tyrannical.

L'Estrange's beliefs had two sources: one was his experience of the civil wars, which convinced him that the same elements that had brought down the monarchy still threatened in the Restoration. The other were his religious beliefs; by "religion" here I mean order, both in a cosmic and a social sense, the obedience due to one's superiors without which there could be no order in his mind. This argument is that his conception of religion echoes what has been said about the language of office he deployed, as he did not distinguish between a realm of public order and one of private freedom, because order was a necessity of both public and private life. Freedom *from* order, freedom *from* the duties attendant upon one's place in that order, could be construed as sin and heresy, because it led to anarchy and chaos. It is important to emphasize this point, as religion has come to be viewed in the modern Western world as something not only private and unconnected with public duties (or even with duties or obligations more generally) but also as a voluntary phenomenon of merely internal compulsion, one which does not require submission to some sort of external religious authority. By contrast, when L'Estrange invokes obedience to the king as a divine precept, it is as part of more general belief in the divine origin of all legitimate authority per se. It bears remarking point out that this does *not* mean L'Estrange believed everyone was naturally docile and obedient,

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seventeenth century. See Goldie, "John Locke and Anglican Royalism," p. 74; Johan Sommerville, "Introduction," *Patriarcha and Other Writings*, ed. Johann Sommerville (Cambridge: Cambridge UP, 1996), pp. xvi-xviii.

or that this vision of order did not need to be upheld with extreme vigor. Indeed, that was precisely the problem.

Historians understand that the idea of order described in the 1930s by Arthur Lovejoy as the "Great Chain of Being" was a belief which, at best, was an idealization of how society ought to work, and one whose assertion was often tied to a perceived instability and disorder in contemporary society or whose invocation could be used to subtly criticize one's superior.[5] The civil wars might have shaken the foundations of this belief, but for those like L'Estrange this only meant that it needed further explication and assertion, along with shoring up the particular instantiations of order in England—the monarchy and the Church. He was capable of cogently, even eloquently, expressing this commonplace idea with conviction in defense of the reestablished government. For example, in response to one of Richard Baxter's pamphlets in 1661, he gives a good summation of this idea. He wrote that

> We must consider *Man*, as a *Reasonable Creature*: compos'd of *Soul* and *Body*; born, for the *Publique*, and himself; and finally, *Accomptable* for the Emprovement of his *Talent* toward the *Ends* of his *Creation*.
>
> The *great*, the *Indispensable*, and *universal end*, is That which has regard to the *Creatour*, from the *Creature*, and in That point we are all agreed upon a Common Principle of *Reason*, that 'tis our *Duty* to *Adore, love*, and *obey that Gracious Power that made us*. That *This* is the *Prime* end, we all *Agree*, and that our *works* are only *Good*, or *Evill*, according as they *correspond with*, or *recede from it*.
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> In the next place, as we consist of *Soul* and *Body*; we seem to fall under a *mixt Concern*; and *There*, the Skill is how to temper the *Angel*, and the

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[5] Arthur O. Lovejoy, *The Great Chain of Being* (Cambridge, MA: Harvard UP, 1936); E. M. Tillyard, *The Elizabethan World Picture* (New York: Vintage, 1960), chapter 2, "Order"; Kevin Sharpe, *Criticism and Compliment: the Politics of Literature in the England of Charles I* (Cambridge, New York: Cambridge UP, 1987), p. 267; Sharpe, *Remapping Early Modern England: the Culture of Seventeenth Century Politics* (Cambridge, New York: Cambridge UP, 2000); David Wooton, Introduction to *Divine Right and Democracy*, pp.28-29.

> *Brute*, in such sort as may best comply with the *behoof*, and *Comfort* of the *Individual*: subjected still to the great *Law* and *Purpose* of our *Being*. Our *Reason*, we submit to the *Divine Will*; and our *Affections* to our *Reason*. *Behold the Scale of our obedience; and Universal Dictates of our Reasonable Nature*.
>
> In *These* Particulars: *God*, as the *Sovereign Prince* of the whole World, binds all *Mankind alike*, with an *unlimited*, and *undistinguishing Authority*. Our *Souls*, the Almighty Governs by his *immediate* and *blessed self*; our *Bodies* he referrs to *Deputies*; whom in all *sensible* and common Actions we are to *obey* as *God's Commissioners*.[6]

L'Estrange always emphasized that obedience to prince mirrored obedience to God, and that depriving one of his due obedience was tantamount to depriving the other. The division of man's duties as those that are under the direct care of God (the soul) and those that are under the care of the magistrate (the body), as well as the Platonic/Aristotelian ideal of the reason ruling over the appetites in the soul, was a commonplace of great antiquity. Just because this close connection existed between the government of souls and the government of bodies, government was not a matter of a public sphere of government and a private sphere free from it, but instead everything is under the realm of "government," every arena of life part of the "*Scale of our obedience*." Years later during the Exclusion Crisis he wrote that what was at stake in the debate over Popish Plot and the succession was nothing more than "the Protestant Religion," which he subsumed "under the Word *Government*," defined as that which "is Comprehended the *Regiment* both *Ecclesiastical* and *Civil*: and *Inclusively*, the Order of *Bishops*, with the Established *Doctrine* and *Discipline* of the *Church*. So that this, and no other, is the *Protestant Religion* designed upon in the *Plot*."[7] L'Estrange believed that the church and state, even if they were distinct entities, formed one coherent order, that to undermine either

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[6] *The Relaps'd Apostate*, pp. 53-54.
[7] *A Further Discovery of the Plot* (London: Henry Brome, 1680) Wing L1254, p. 17.

undermined the whole. Anyone whose ideas deviated from this standard—mostly those of Protestant Nonconformists—he branded as both seditious and heretical.

The Bible also provided ammunition for arguments about the irresistibility of civic authority, of course; L'Estrange often reiterated in his pamphlets the familiar injunction from Romans 13, which informed the Christian community of Rome to "let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God: and they that resist shall receive to themselves damnation."[8] Such a view was commonplace, but it was, as always, over the particulars of who was to obey and who was to be obeyed, and over what areas of religion, that the battles over the re-establishment of the Church of England were fought following the Restoration. This will be discussed in more detail shortly, but it suffices to say now that his opponents in such debates shared this presupposition that religion and piety should inculcate good order and not sow disobedience to lawful authority. To give but one example, Richard Baxter, arguing for a Presbyterian form of worship in 1661, asked his readers openly "will there not be order and concord in Holy obedience and acceptable worshipping of God, on the terms which we now propose and crave?" and pleaded with them that "we here shew you that we are no Enemies to order." Baxter thought his opponents were putting adiaphora ahead of salvation, but for L'Estrange the Church's authority in things indifferent *was* a matter of divine obedience, and therefore of salvation: "*God's Ordinance is Government, Obedience his Appointment; Obey* then and be *saved*." Even in indifferent things the Church had to be obeyed, because "*Subscription* and *Ceremonies*, are…most

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[8] *The Holy Bible, Containing the Old Testament and the New* (Cambridge: John Field, 1661) Wing B2265, Romans 13:2.

necessary…to *Unity*, and *Order*: which 'tis the *Church's Care* and *Duty* to *uphold*; to prevent *Schisme* and *Confusion*. The *Church*, in these *Injunctions*, does but comply with a *Superior Command*…and these *Refusers* strike at *God himself* in their Disobedience to his Ministers."[9] John Bunyan voiced similar sentiments John Bunyan during his imprisonment in 1660; when questioned why he persisted in defying the law against Conventicles, he replied that it was "my duty to behave myself under the King's government both as becomes a man and a Christian, and if an occasion was offered me, I would willingly manifest my loyalty to my Prince, both by word and deed."[10] Likewise, in the aftermath of Venner's Rebellion in 1661, the Quakers published numerous defenses of their sect, trying to persuade the government that they were not a threat to order.[11] What made such declarations necessary was the fact that all of these writers made their duties to the civic authority contingent on how well the leaders did their duty with regards to true religion, according to their own religious or theological perspectives, and it was this that L'Estrange saw as compromising the absolute obedience due to the king and so as seditious in and of itself.

Government, then, was sacred to L'Estrange, and so also was its inevitable corollary, obedience. This idea is not peculiar to Christianity, and L'Estrange could be characterized as Christian Stoic, grounded as he was in classical thinkers such as Cicero and Seneca. He sometimes wrote as if these classical authors were the natural anti-dote

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[9] Richard Baxter, *Petition for Peace : with the Reformation of the Liturgy* (London: 1661), Wing B1342, p. 7; *Relaps'd Apostate*, p. 35.
[10] John Bunyan, "Relation of the Imprisonment of Mr. John Bunyan, Minister of the Gospel at Beford, November 1660," *Grace Abounding*, p.100. On Bunyan's attitudes toward the Restoration government, see Richard Greaves, *John Bunyan and English Nonconformity* (London; Rio Grande, OH: The Hambledon Press, 1992), pp. 101-127.
[11] M.G.F. Bitterman, "The Early Quaker Literature of Defense," *Church History*, Vol. 42, No. 2 (Jun. 1973), pp. 203-228; Greaves, *John Bunyan*, p. 107.

to the excesses of Calvinist or Catholic claims to undermine the authority of the monarchy in the name of a higher authority. In the "Letter to the Reader" of his 1678 translation of Seneca, which he published at the height of the Popish Plot frenzy, he praised Seneca's virtues as befitting the present political situation, where "the Supernatural Motions of Grace [are] Confounded with the Dictates of Nature. In this State of Corruption, who so fit as a good honest *Christian-Pagan*, for a Moderator 'twixt *Pagan-Christians*?" At the end of the letter, he wrote of Seneca's Stoic morality that "next to the Gospel itself, I look upon it as the most Sovereign Remedy against the Miseries of Humane Nature; and I have ever found it so in all the Injuries and Distresses, of an Unfortunate Life."[12] This was not mere lip service. In a letter he wrote to his nephew Nicholas toward the end of his life, when he was forced to ask the aid of his younger relation for financial relief, he commented on his indigent circumstances thus: "I have Reason and Providence to support me. I would not make it my Choyce to be Poore, Impotent and Friendlesse; but if my destiny will have That to be my Lot, God's will be done… I have nothing to blame and nothing to Begg; but to deliver up my self to ye Mercy and Goodnesse of ye Almighty, wth Resignation and Patience."[13]

L'Estrange's opinions on classical authors are worth emphasizing, for they illustrate the extent to which, from the early Christian period onward (and again in the course of the 16th and 17th centuries) Christian writers "baptized" (and re-baptized) authors like Seneca. In the "Letter to the Reader," L'Estrange gave an account of Seneca's life in which he referenced the opinions of various Christian Fathers, such as St.

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[12] *Seneca's Morals By way of Abstract* (London: Henry Brome, 1678) Wing S2514, "To the Reader," p. vi, p. xii.
[13] Roger to Nicholas L'Estrange, August 5 1699, LEST/ P 20 190.

Augustine and Lactantius, whom he quotes at length, on the virtues of Seneca's thought. In that same list of authors he also mentions "an *Epistolary Correspondence* he had with St. Paul" which modern scholars now understand to be a forgery, but which he took to be authentic.[14] For L'Estrange's contemporaries it was a common view that pagan thought represented part of the book of nature, or as L'Estrange calls it "the Dictates of Nature," the natural part of God's revelation to mankind. Thus they were both of importance, though not equally so, for learning one's duties and therefore one's religion.[15]

L'Estrange's religion was duty; but as to specific theological beliefs, he was much more reticent. What can be learned about his precise religious beliefs emerges mostly (if at all) in the context of debates with opponents. But one can make a few more general observations. He proclaimed loudly and often his loyalty to the Established Church, and he certainly thought of it as the best form of the Church available to Christians. Part of the reason for this was, no doubt, tied to the fact that he, like many Anglican clergymen of the period, knew that the restored Church of England owed its existence to the King, and sought to argue its compatibility with monarchy. According to John Spurr, they often proclaimed its genius lay in having reconciled "fear of God and the honour of the

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[14] *Seneca's Morals*, "To the Reader," pp. xviii-xix. According to one historian, it was not unheard of for the writings of Marcus Aurelius to turn up in lists of Divinity in the period. C. John Sommerville, *Popular Religion in Restoration England* (Gainesville, Fl: U. of Florida Press, 1978), p. 11.

[15] For a very popular contemporary expression of this idea, see Richard Allestree, *The Whole Duty of Man* (London: D. Maxwell for T. Garthwait, 1658) Wing A1158, p. 2: "of these things there are some which God hath so stamp'd on our souls, that we *Naturally* know them; that is, we should know them to be our Duty, though we had never been told so by the Scripture."

King, 'and these precepts which God hath joined together, let no man separate.'"[16] In this he heartily concurred with the Restoration clergy.

On the other hand, L'Estrange was certainly an advocate for a strong episcopacy, and in some of his anti-Presbyterian tracts he even appears to defend the belief in *jure divino* episcopacy. But he had the same problem as the clergyman did in that they did not want to press the issue too far, as it was what they believed to be the pope's overreaching claims to spiritual jurisdiction which lead them to separate from Rome in the first place, and because of this and their dependence on the crown, both L'Estrange and the clergy had to tread lightly on that subject.[17] Thus during his exchanges with Baxter and John Corbet in 1663, L'Estrange insisted that "they Confound the Termes, as if Bishop and Presbyter were Originally the Same; and Prelacy…of Diabolical Occasion, not of Apostolical Intention," and a few pages later asks rhetorically "Will these Gentleman subscribe to the Bishop's Episcopacy by Divine Right?" but never directly says the bishops have their office by divine right independent of the monarch, though he defends their apostolicity. He lards his anti-Presbyterian tracts with copious quotations of Calvin, Luther, Beza, and other Protestant authorities on the virtues of episcopacy, but is coy on the real question. And for good reason: too much emphasis on the bishops "divine right" might imply that the king got his sanction from the Church, and not from God directly. In his scathing reply to John Corbet, he proclaims that the saying "No bishop, no king" does not mean that "the Bishops are the props of Royalty, nor do the Episcopalians understand it so; but that both one and the other are Objects of the same Fury, only the

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[16] Spurr, *Restoration Church*, pp. 145-46.
[17] For a contemporary example, see Robert Sanderson, *Episcopacy as Established by law in the Church of England Not Prejudicial to Regal Power* (London: Robert Pawlett, 1673) Wing S600; Spurr, *Restoration Church*, pp. 147-478.

Church goes First."[18] It was a delicate balance of competing loyalties, which he struggled all his life to balance, and makes the repeated assertion of his own loyalist identity so interesting in many ways. But it was also quite typical, as a similar balancing act had to be performed by Catholics and Protestant Nonconformists wishing to demonstrate their loyalty to the government while remaining faithful to their religious beliefs.

There is precious little one can glean from the sources of his life about his worship and devotional habits, such as they were. In some of his anti-Presbyterian tracts, he defended the Book of Common Prayer and the Church of England liturgy, but not in any great detail. This was not surprising, since he was more concerned to show that his Presbyterian opponents' concerns about the liturgy were really a challenge to the authority that authorized the Church of England's liturgy than to defend the liturgy itself. He did hint he disliked the liturgy drawn up by the Presbyterians, writing that "*there is more* perhaps *in Scripture Phrase*—and *lesse* in *Scripture Meaning*." And why was this so? "'Tis not the Crying *Lord, Lord*:—nor the Crowding so many Texts hand over head into a *Prayer*, that makes our Service acceptable: but the due, genuine, and *fervent* application of our *Words, Thoughts,* and *Actions* to Gods *Revealed Will*." This dictum was based upon a rather familiar description of the Scriptures, completing the tautology of his thought: "I speak with *Reverence* to those *blessed Oracles*; which in themselves, no matter how accommodate to our *Relief* and *Comfort*, may yet by our *abuse*, be rendered *Mischievous*: They are the Dictates of the God of *Order*, and hold no

[18] *Interest Mistaken*, pp. 105-7, 170.

Fellowship with *Confusion*."[19] He also on occasion cited the opinions of certain Protestant authorities on the worthiness of the Established church's worship, but almost never his own opinion.[20] Interestingly, he does cite the work of his brother Hamon in one of his tracts, but then only to relay the opinions of European Protestants upon the Church. This only adds to the intrigue, for as has been mentioned his brother was by no means a high flying Anglican.

There is no way of knowing how frequently he attended Church of England services, though John Spurr has written that communication was rare among the church going members of the Church of England in that period, many not going to communion more than three times a year, even pious Anglicans, such as Edmund Bohun.[21] It appears that L'Estrange attended St. Giles-in-the-Fields parish from the late 1670s, an affluent parish whose rector was the High Church but also non-resident John Sharp, the future archbishop of York. (Coincidentally, St. Giles was also the place where nearly a dozen Catholics executed during the Exclusion Crisis were buried, including Oliver Plunkett, though his body was later removed.) L'Estrange was often accused of being a papist, and later it would be specifically charged that he had attended Catholic masses in the Queen's chapel. He published a letter to Dr. Thomas Ken in 1681, while in refuge from the Popish Plot frenzy in the Hague, in which he claimed that he had never received communion in a Catholic mass nor had been present at a "Popish chapel in England, since the King was Restor'd in 1660." Miles Prance and Titus Oates, two of the main purveyors of plot propaganda, had accused him of being a papist and having been present

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[19] *Relaps'd Apostate*, p. 22.
[20] See his *Interest Mistaken*, p. 108, where he cites Bucer, that he "thanks God with all his soul to see the English Ceremonies so pure."
[21] Spurr, *Restoration Church*, pp. 360-1.

at a mass, and the published letter states L'Estrange's intention to receive communion from Thomas Ken, as well as confirmation that he had indeed "Received the Sacrament accordingly" along with several other people. Later, when he had returned to England after the political winds had changed, he swore an affidavit that he had taken communion in St. Giles. The affidavit is attested by the curate Stephen Lamm, and the church warden Thomas Harries, and in it he reiterated the same basic claims he had made in the letter to Ken: he averred that "if I have any other meaning than what the words Planely & Nakedly Import, may that Blessed Sacrament of the Body and Blood of our Saviour (wch I hope by God's Grace to receive upon Sunday next being Easter day to my Eternal Comfort) be unto me the Eating & Drinking of my own Damnation."[22] This statement is the only evidence of his beliefs regarding the Eucharist, which is not much at all, since such a statement could encompass a wide variety of views on the subject. It is logical to assume, given his affiliations, that L'Estrange would be a High Church member of the English Church in theological matters as well as ecclesiological ones, but his writings simply don't address such questions directly enough to determine his exact positions.

L'Estrange never wrote a diary or left any other evidence of an interior life, and perhaps the closest thing to a statement about his spirituality comes in his translation of Giovanni Bona's *Manductio ad Coelum* as *A Guide to Eternity* in 1672. Bona was a Cistercian and Catholic Cardinal, as well as a writer of liturgical and devotional works who was appointed to the Holy Office in Rome by Pope Alexander VII, who was his personal friend. Bona's *Manductio* has been compared to the late medieval work *Imitation of Christ*, a work which was a bestseller in Restoration England, despite its

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[22] *To the Reverend Dr. Ken* (1681) Wing L1314; Affidavit concerning L'Estrange's religion, BL Add MSS 4107, 52.

medieval Catholic origins.[23] The fact he was Catholic was used as evidence that L'Estrange was a papist later on, despite the popularity of his translation of *Manductio ad Coelum*, which was translated into English by several other writers.[24] Its contents must have resonated with its translator, as it was mostly a treatment of human virtues and vices, using a mixture of citations from the Church Fathers and classical writers such as Seneca, Epictetus and others. The preface certainly sounds like it could have been written by L'Estrange. Bona wrote that some will object "why does he not practice what he recommends, and quit the World himself, before he take upon him to teach others the way to Heaven?" His preface espouses an ethic of retirement, part of the Christian-Stoic inheritance that L'Estrange rarely dwelt on: "*If I can contribute anything to a Publick Good, it's well. But however, while I write this, I am but talking to myself, and I make my Reader my Confident.*" There is a chapter on the value of solitude, which echoes the themes in *Hymn to Confinement* noted earlier, in which Bona wrote "he that has renounced external things, and withdrawn into himself, is Invincible; the World is to him as a Prison; and Solitude, a Paradise."[25] Such an ethic of retirement was something that other contemporaries praised as well, but L'Estrange might have had extra reason to embrace such a view in 1672. It was in that year Charles II issued his Declaration of Indulgence, attempting to grant toleration to religious dissenters (including Catholics)

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[23] O'Neil, Leo. "Giovanni Bona." *The Catholic Encyclopedia*, Vol. 2. (New York: Robert Appleton Company, 1907). 26 Oct. 2010 http://www.newadvent.org/cathen/02645b.htm>; Sommerville, *Popular Religion*, pp. 33-34. *Manductio ad Coelum* was first published in 1658.

[24] Kitchin, *Sir Roger L'Estrange*, p.387. Kitchin makes the interesting observation that his version of Bona was "remarkable among his translations as being singularly faithful."

[25] *Manductio ad Coelum or A Guide to Eternity* (London: 1680) Wing B3545, "Introduction to the Reader," A3-A4, p. 118.

which L'Estrange had argued so strenuously against. It is notable that *A Guide to Eternity* was the only spiritual or devotional work that he ever translated.

Aside from what is suggests about his spiritual proclivities, his translation also hints at just how thoroughly Ciceronian his Christian beliefs were. Bona's characterization of the theological virtue of charity aligned very much with L'Estrange's thinking, at least as he translated it: "love to Neighbour is exercised in conferring of Benefits, doing all sorts of Good Offices, and going before others in Humility and Kindness."[26] Such a definition suggests that charity he conceived of like any other virtue, as a matter of reciprocal obligations, of office, and not a gratuitous act spurred on by the overflowing of divine love into the human soul, or a matter of natural sympathy or fellow feeling with one's fellow man.[27] L'Estrange's notorious ruthlessness towards his enemies, epitomized in Macaulay's caustic comment that "from the malice of Lestrange the grave was no hiding place, and the house of mourning no sanctuary," was partly a product of defining charity as an office: forgiveness is a duty to be discharged upon the repentance of an offender, and not to be given gratuitously. This was why, when writing a response to one of Baxter' pamphlets, he informed the Presbyterians, whom he held responsible for justifying the rebellion against and execution of the king, that they should confess their guilt, because "your confession must be as Publique as your sin. Without

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[26] *A Guide to Eternity*, p. 124.

[27] For other examples of works that framed charity in this way, see John Hart, *The Charitable Christian* (London: Elizabeth Andrews, 1662) Wing H927; Henry Hammond, *The Christian's Obligations to Peace and Charity* (London: R. Royston, 1664) Wing H522; Walter Harris, *A Farewell to Popery…Concluding with some short reflections concerning the great duty of charity* (London: Walter Kettilby, 1679) Wing H884; Edward Stillingfleet, *Protestant Charity* (London: M. Flesher, 1681) Wing S5622, pp.4-5, 16-17; Henry Waring, *The Rule of Charity* (1690) Wing W858, p.11; Hezekiah Burton, *Several Discourses, viz. I. of purity and charity* (London: Richard Chiswell, 1684) Wing B6179A, pp. 8, 11.

this cleerness, all your talk of Conscience weighs not a Nut-shell." Their failure to reciprocate (Baxter thought the war and execution of the king was justified) convinced L'Estrange of their ingratitude, and therefore their seditious nature.[28] It is possible, of course, that he did practice a more generous sort of charity unbeknownst to his contemporaries, and perhaps he did have a contemplative, inner life apart from his duties. But if he did, then it was truly private, for he left no written testimony of it, and kept it totally within himself and hidden from his contemporaries.

L'Estrange's religious beliefs might not seem terribly religious to modern historians, and Harold Love went so far as to call his religious beliefs "a kind of Shintoism—a state religion of observance whose real function was the perpetuation of hierarchy."[29] This sort of remark presumes that L'Estrange's beliefs were not truly "religious," that they were somehow inauthentic. But it is a judgment colored by notions of religion that would not have been meaningful to L'Estrange. Charles Taylor has pointed out that John Locke's Christianity, rationalistic as it was, hardly seems like religion at all, perhaps because there was so little emphasis on feeling and self-expression in it, which are more associated with religion in contemporary Western society.[30] The same could be said of L'Estrange, whose denunciation of "enthusiasm" sometimes bordered on the skeptical, and whose faith was rational in the sense that seventeenth

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[28] Thomas Macaulay, *A History of England from the Accession of James II*, vol. I, (New York: Harper, 1859) p. 393; *The Relaps'd Apostate*, A4.
[29] Harold Love, "The Religious Traditions of the North and L'Estrange Families," *Writing and Religion in England, 1558-1689: Studies in Community-Making and Cultural Memory*, eds. Roger D. Sell and Anthony W. Johnson (Farnham, Surrey; Burlington, VT: Ashgate, 2009), p.428.
[30] Taylor, *Sources of the Self*, pp.233-34.

century English divines expected it to be.[31] L'Estrange's beliefs simply didn't put much value on intense emotional displays, and resembled C.S. Lewis' description of Joseph Addison's "Rational Piety," of which Lewis remarked that "a sensible man goes with his society, according to local and ancestral usage. And he does so with complete sincerity."[32] Later during the Exclusion Crisis, his foe Henry Care would deride him for his lack of attendance at his parish, but his failure to fulfill his religious duties, assuming such accusations were true, presupposed the beliefs that he failed to live up to, beliefs that were to him religious, and not merely a matter of political interest.

But L'Estrange's religion was as much a matter of identity and authority as it was piety and worship. During the Exclusion Crisis, he wrote a tract called *The Reformed Catholique, or The True Protestant*, in which he said a "*Reformed Catholique…is an Apostolical Christian,* or *a Son of the Church of* England," which could encompass either the term Protestant or Catholic, since they "serve only as two *several Names*, intending the *self-same thing*…it is all one to me whether of the two any man may call me; all the danger is, the countenancing of an Ill thing under a Good Name." But Protestant was too narrow for his purposes, because "the *Characteristical Note* of a *Christian* is *Catholic*." L'Estrange further defined the term Protestant to mean "*Lutheran*, which this Church (of England) does not in all points pretend to be"; he wrote that "the word *Protestancy* falls under a double acceptation; denotes the "*Reformed Religion*," and is "taken for the *Genus Generalissimum of all Dissenters from the Church of* Rome." He accepted the

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[31] John Spurr, ""Rational Religion"" in Restoration England," *Journal of the History of Ideas*, Vol 49, no. 4, (Oct.-Dec. 1988), pp. 563-585.
[32] C.S. Lewis, "Addison," *Eighteenth Century English Literature: Modern Essays in Criticism* (New York: Oxford UP), pp.1-14, quoted in Love, "Religious Traditions," pp. 425-26.

"Reformed Religion" as being "transmitted to us from our Fore-Fathers, and Signed by the Blood of Martyrs; Authorized by the Holy Gospel, and by the Law of the Land; the common Bond of our Civil Peace, and (by God's Blessing) the Hope and Means of our Eternal Salvation." But he disavowed the second definition, and wrote that it was "an *Agreement* upon an *Opposition*…an *Agreement of several Parties disagreeing among themselves*, which carries the Face rather of a *Confederacy*, than a *Religion*: For it is not the *Opposing of an Error*, but the asserting of a *Truth*, that must do the work." This is because "the *Opposers* being subdivided, 'tis impossible it should be Right; for the very *Essence* and *Soul* of *Religion* are here wanting; that is to say, *Charity* and *Unity*." L'Estrange further explained that experience had proved this to be so, because during the "late Troubles…*Presbyterians, Independents, Anabaptists, Quakers, Seekers, Ranters, Antinomians,* and twenty other sorts of wild Sectaries" destroyed the Church of England and the king, "under the title of Protestants, and under the pretence of opposing Popery." L'Estrange went on to relate that such dissidents from the established church both in Scotland "under the Queen Regent, and King James; and in England, under Queen Elizabeth," were planting their sedition even before the upheavals that lead to Charles I's downfall, and were in 1679, so he wrote, planning to do the same again.[33]

One must always bear in mind that L'Estrange never talked about his religious identity in any other setting than that of public polemic surrounding crises like the Restoration settlement or the Exclusion controversy. That said, his definition of religion in *The Reformed Catholique* indicates that he sensed the offices of religion were, as Condren has noted, mostly nominal, and defined by mutual opposites; in recognizing the

[33] *The Reformed Catholique, or the True Protestant* (London: Henry Brome, 1679) Wing L1290, pp. 1-5.

inherent slipperiness of terms like religion and popery, he perhaps sought refuge in a more "realist" definition of what religion was, in order to quell the sort of manipulation of its rhetorical power, not unlike Thomas Hobbes. That definition of religion was that of Church of England as it had been established by law at the Reformation, a very particular one, though it was that very point which so vexed his opponents—to them it was the High Church party that introduced "innovations" into the Church of England that had led to the "troubles," altering the offices of religion, and not their infidelity to the king. All this was a problem for English writers, as L'Estrange admitted, for to identify true Protestant religion with the Church of England "draws on the very same Implication in a *Protestant Catholique*, for the Church must be Catholic, [according to L'Estrange] which we make sport with in a *Roman Catholic*, that is to say, Solecism of a *Particular Universality*."[34]

As it was, his religious beliefs were nominal in that they did depend upon definitions. In his writings he most often defined what religion was not rather than gave a formulation of what it was. True religion for him could not teach resistance or disobedience to the king, obedience to God's vice-regent being a necessary though not sufficient criterion for religion, but it was also a brutally reductive way of preventing dissenters from manipulating religious rhetoric. In this, L'Estrange was attempting, in a much less intellectually sophisticated way, to do what Thomas Hobbes attempted in *Leviathan*: Hobbes, according to Conal Condren, reduced the significance of any office not related to the crown as means of limiting the sphere of action of private persons to a last resort of self defense, and L'Estrange's whole oeuvre could be summed up in the idea

[34] *Reformed Catholique*, p. 2.

that subjects' only office was to obey their sovereign.[35] In this way, any act of opposition could be read as seditious, or treasonous.[36] Any doctrine that taught that one could legitimately disobey one's sovereign was by extension not really religion in L'Estrange's mind. I emphasize this point because though I would argue that the conflicts about government (whether in Church or State) during the Restoration were religious in nature, that is not what L'Estrange wrote in many of his pamphlets. As will become clear, he thought that any minister who opposed the king in "things indifferent" (for example, what prayers to read at public worship) were not motivated by real religious scruples, but by either a lust for power or a hatred for the king's authority. Thus his blackening of the Presbyterians—painting them as the inversion of true religion, men like Baxter being the inversion of the office of minister—can be explained by the fact that he attributed to them a set of personal traits, i.e. the desire for sovereignty, or better yet, popery, which made them suspect, since they could not be legitimately motivated by religious concerns in his mind.

One can see this tendency in one of his longest and most thoughtful works, his *A Memento: Directed to all Those That Truly Reverence the Memory of King Charles the Martyr*, published in 1662 and republished again in 1682. That work, which Kitchin wrote was the only one of L'Estrange's works which "deserved to be called a book," dealt with the causes of sedition, in open imitation of Francis Bacon's essay "Of Seditions," and provides L'Estrange's most succinct statement about the causes and

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[35] Condren, *Argument and Authority*, p. 76.

[36] This same line of thinking was apparent in the Act of Uniformity: since any gathering outside the Church of England was illegal, "whatever went on at conventicles could not, therefore, be religion." N.H. Keeble, *The Literary Culture of Nonconformity* (Athens, GA: U. of Georgia Press, 1987), p. 69. For the Act of Uniformity, see Browning, *English Historical Documents*, pp. 377-382.

motivations of rebellion. There is not space here to give it a full treatment, but one can easily summarize its main themes. The real cause of rebellion is not religion, as one of his chapter titles proclaimed "Ambition was the cause" of the civil wars. Both the Scots and their allies in Parliament during the late 1630s and early 1640s cried up popery, and insinuated that the Church of England was popish as well, but the real intent was "exercise of the *Sovereign Power*." He laid much of the blame at the feet of Protestant ministers (usually Presbyterian ministers) but claimed their actions were motivated by a lust for power, and not for real religious reform. But the work is more than mere polemic, and involves a thoughtful, if commonplace, delineation of the types of persons mostly like to rebel—that is to say, it is a catalogue of the personae of sedition and rebellion, a catalogue that included corrupt courtiers, judges, ministers, soldiers, as well as citizens of London, whom he hints are so used to doing business with contracts that they view their relations with the king in those terms. He even considers why women are more prone to religious error, whom he says are the "*stronger Sex*, though the *weaker Vessel*," and in particular "city-dames." His detailed portrait of Cromwell could easily serve as a description of a tyrant's persona, going on as it does for several pages. He even invoked national differences to explain rebellion: he referenced Jean Bodin on why Northern Europeans are more likely to rebel than Southern Europeans, quoted an edict of Henry IV, and when discussing the outcry against monarchy in London wrote that "*There's none of This or That* (they cry) *at Amsterdam,*" as one of their complaints.[37] *A Memento* also demonstrates that L'Estrange was aware of the wider European debate about rebellion, and should be seen as part of a wider European reflection on the causes

[37] *A Memento*, pp. 10-12, 69, 120, 231.

of rebellion given life by the Wars of Religion in France, starting with Justus Lipsius and ending with Hobbes' *Behemoth*; in truth, his diagnosis is not terribly different from that of Hobbes', who said the "chief leaders were ambitious ministers and ambitious gentlemen."[38]

The book's title indicated that it was meant be the "First Part" of an extended work, concerned with explaining the causes of the rebellion against Charles I, which was to be followed by a second part which was to concern "Particular Duties, *both* Christian *and* Political," which in the event never appeared. L'Estrange never gave any reason for not continuing the work, though one reason may be that for him it was rebellion that needed explaining, more than the duties of Christian and subject, which he thought were really common knowledge anyway. A sense of sinfulness was still attached to the idea of rebellion in the seventeenth century, even towards the end of it; when Locke wrote his *Second Treatise*, he wrote that rebellion was only opposition to "Authority" and not to "Persons," such that whoever altered the laws or sought to alter them was in fact a rebel, including kings. The fact that he had to resort to such contortions reveals how much a connotation of sin still attached to rebellion for his contemporaries.[39] *Memento* was published in 1662, just as the religious settlement was passing through Parliament. His *Memento* was a reminder of the dangers of trusting the Presbyterian party, and he ended it with the conclusion that the reason Charles I fell was because "The King WANTED

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[38] Rosario Villari, "The Rebel," *Baroque Personae*, p. 100, pp. 119-120.
[39] *A Memento*, "The Preface"; John Locke, *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge UP, 1988) Bk II., §226-228, 232.

MONEY; and TRUSTED THE PRESBYTERIANS."[40] It was a reminder to his Cavalier friends that their opponents were not really religious men, but their opposite.

**II. Religion and Resistance in the Seventeenth Century**

L'Estrange drew on classical texts for many of his beliefs regarding duties and obedience; in the *Memento* he cites the dictum of the Roman historian Sallust: "*libida dominanda causa belli*" (the desire for rule is the cause of war).[41] Classical texts contained more than ideas about duty and obedience, however; they could also furnish the opposite idea, that it was a duty to oppose, even kill, tyrants. The extremity of his thought is due in part to the fact that this shared, Christianized version of the classical heritage could furnish such widely differing answers to current political conflicts: where L'Estrange found arguments for obedience, others found arguments for opposition, sometimes violent opposition. Several authors have argued for a tradition of civic humanism existing in early seventeenth century England, which became a resource for those who opposed what they saw as the innovations by the early Stuart monarchs prior to the civil wars.[42] As Robert von Friedeburg has pointed out, the Ciceronian appeal to *salus populi suprema lex esto*, to extreme circumstances as a justification for breaking the law, could be used as a justification for the deposition or assassination of a monarch, just as easily as it could be used to justify extra-legal actions by a monarch in order to defend himself from imminent attack. Such arguments were certainly espoused by those willing to use violence against tyrants in Restoration England, such as the "Plotter" Robert

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[40] *A Memento*, p. 251.
[41] *A Memento*, p. 220.
[42] Markku Peltonen, *Classical Humanism and English Political Thought, 1550-1640* (Cambridge: Cambridge UP, 1996); David Norbrook, *Writing the English Republic: Poetry, Rhetoric and Politics, 1627-1660* (Cambridge: Cambridge UP, 1999).

Ferguson.[43] Furthermore, examples from ancient Rome made clear that citizens could, according to the circumstances, act without any formal office; L'Estrange himself made such an appeal in his *Apology*, arguing that the king's life was at stake in L'Estrange's unofficial activities against the press.[44] This is what made the language of office so flexible, and therefore usable by so many warring parties throughout medieval and early modern Europe: one man's gracious king could be another man's tyrant and man of blood. The rhetoric of office and the personae associated with any particular office are, as Conal Condren points out, wholly nominal entities, whose positive register, let us say a king or in religious terms a minister, depend for their usefulness on their negative register, a tyrant or papist in those cases.[45]

Much like the various offices with their negative and positive registers, this emphasis on obedience was very much the flip side of a deep-seated fear of disorder, of chaos and social breakdown, and post-Reformation Europe added a confessional element to the medieval arguments used to justify opposition to monarchs. Though initially the early German reformers, such as Luther and Melanchthon, disavowed any general right of self-defence (much less open resistance) against lawful civic authorities, in that case the Holy Roman Emperor, they gradually came to articulate theories under which private

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[43] Melinda S. Zook, "Turncoats and Double Agents in Restoration and Revolutionary England: the Case of Robert Ferguson, the Plotter," *Eighteenth Century Studies*, Vol. 42, No. 3, (Spring 2009), pp. 370-74. For an earlier invocation of *salus populi* which did not involve appeals to violence, see Michael Mendle, "The Ship Money Case, *The Case of Shipmony*, and the Development of Henry Parker's Defense of Parliamentary Absolutism," *The Historical Journal*, Vol. 32, no. 3, (Sept. 1989), pp. 513-536.

[44] Robert von Friedeburg, "Introduction," *Murder and Monarchy: Regicide in European History, 1300-1800* (New York: Palgrave MacMillan, 2004), pp. 8-10.

[45] Conal Condren, *Argument and Authority*, pp. 26-28; Conal Condren, "The Office of Rule and the Rhetorics of Tyrannicide in Medieval and Early-Modern Europe: An Overview," *Murder and Monarchy: Regicide in European History, 1300-1800*, pp. 50-51.

persons could resist lawful authority in cases of extreme necessity, where the violence and cruelty of the authority's action could justify it, or that lesser magistrates (which even included fathers as heads of households) could resist princes in the name of self-defense. They would also come to articulate a theory of self-defense for the patria or fatherland, conflating examples of real or imagined atrocities by foreign troops (Spanish, Italian) with the duty to fight against the pope or his proxies.[46] In France, theories of resistance to monarchy were originally the preserve of the Huguenot minority, until Henry of Navarre became heir to the throne and they quickly abandoned them. They were taken up by Catholic writers only after the assassination of Henri III in 1589, and in case of the Catholic League their ideas of resistance were more clearly religiously inspired, in contrast to writers in the princedoms of the Holy Roman Empire, who made greater appeal to the law of nature.[47] The first proponents of resistance among English writers were the Marian exiles John Ponet and Christopher Goodman, writing in the early 1550s, where they articulated religiously inspired arguments for resisting the restored Catholic monarchy, and were soon followed in Scotland in the 1560s by their fellow exile John Knox, articulating some of the same ideas against Queen Mary. With the accession of

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[46] Robert von Friedeburg, *Self Defense and Religious Strife in Early Modern Europe* (Burlington VT: Ashgate, 2002), p. 70, p. 73, p. 75, p. 81. One German writer called these German allies of the pope "Bluthundes des Papstes," bloodhounds of the pope, and there is a curious similarity in the way that L'Estrange's Dissenting opponents labeled him "the Devil's Blood hound."

[47] Mark Greengrass, "Regicide, Martyrs, and Monarchical Authority in France in the Wars of Religion," *Murder and Monarchy*, pp. 182-83; Lucien Bély, "Murder and Monarchy in France," *Murder and Monarchy*, pp. 197, 199-200; Denis Crouzet, *Les Guerriers de Dieu: La Violence au temps des troubles de religion vers 1525—vers 1610* (Seyssel: Champ Vilons, 1990).

Elizabeth I the shoe would be on the other foot, and as in France Catholic writers would start to argue in favor of tyrannicide.[48]

It was in this kind of atmosphere that early modern governments would respond by making claims to adjudicate between rival religious factions, on the basis that their office was a divine one too.[49] This idea was more widely available to different levels of government in the loosely governed Holy Roman Empire, but in the more centralized and more historically established monarchies of France and England it generated ideas of divine right monarchy which put all the eggs of divinely ordained office into the one basket of the king. Some historians have dated the "birth of absolutism" in France from the end of the wars of religion, and by the time Louis XIV ascended the throne, it was a popular ideal in France.[50] King James VI Scotland and I of England produced his treatises on monarchy in post Reformation Scotland, where his mother had been deposed in the name of religion. More to the point, Robert Filmer would compose his *Patriarcha* as part of a dialogue with Catholic writers such as Robert Bellarmine and Francisco Suarez, who sought to undermine the legitimacy of heretical monarchs. The English were aware of what was happening on the continent, and after the Gunpowder Plot in 1605 and the assassination of Henri IV of France in 1610, defenses of the monarchy began to appear, like that of David Owen in 1610, which ruled out any right of self defense, and conflated any opposition to the monarchy as resistance. Owen even went so

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[48] Condren, "The Office of Rule and the Rhetorics of Tyrannicide in Medieval and Early-Modern Europe," pp. 59-60; Jenny Wormald, "James VI and I, *Basilikon Doron* and *The Trew Law of Free Monarchies*: The Scottish Context and the English Translation," in *The Mental World of the Jacobean Court*, ed. Linda Levy Peck (Cambridge: Cambridge UP, 1991), p. 41.
[49] Von Friedeburg, *Self Defense*, pp. 87-88.
[50] Yves Marie Bercé, *The Birth of Absolutism in France, 1598-1661*, trans. Richard Rex (New York: St. Martin's Press, 1996), pp. 181-82.

far as to include Martin Luther in his condemnations, who had always been taken before by English writers as denying a right of resistance.[51] The narrowing of what had been highly refined intellectual debates in the heat of polemic continued apace during the civil wars, so much that it began to alter the way natural law was invoked in debates about self-defense in ways that would have a profound impact in the long run.

Religious justifications for regicide exercised a continuing allure during the Restoration period, primarily among Nonconformist Protestants: Sir Algernon Sidney, who was executed in 1683 for plotting to kill Charles II, wrote that it was a duty of "saints" to kill idolatrous tyrants, and that "nothing can be imagined more directly opposite to right order than that princes…utterly ignorant of spiritual things should impose rules…to be followed by those to whom God has given the true light of his spirit to see their own way."[52] As Jonathan Scott and others have noted, religious motives were often mixed together with "republican" ideas derived from antiquity in those who sought to overthrow the Restoration government, and historians now recognize that much of the political machinations against Charles II and James II stemmed from opposition to their religious policies.[53] L'Estrange came to his views of government in the context of such arguments in seventeenth century England. He repeatedly appealed to the experience of the civil wars to justify the suppression of religious dissent throughout his career, and saw its suppression as a corollary to his notions of government. It was noted above that L'Estrange thought all legitimate government was divine in origin, but more than this

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[51] Wormald, "James VI and I," p. 42; Von Friedeburg, *Self Defense*, pp. 186-88.
[52] Algernon Sidney, *Court Maxims*, quoted in Michael P. Winship, "Algernon Sidney's Calvinist Republicanism," *Journal of British Studies*, Vol. 49, No. 4, (Oct. 2010), pp. 759-761.
[53] Jonathan Scott, *England's Troubles*, chps. 8, 14; Zook, "The Plotter," p. 370; De Krey, *London and the Restoration*, pp. 372-382.

L'Estrange thought all government was absolute as well, in the sense that there needed to be, as he put it, an "Unaccountable Judge" who was the final court of appeal. As early as 1660, in the pamphlet *Sir Politique Uncased*, he answered the charge that monarchy was a tyranny by asking "is not my life as well exposed to any Government? since wheresoever you place the *Rule, the last appeal* lies *There;* and *There's the Power of Life and Death, by the Agreement of All Nations*." All government is absolute in this sense, and so "what's the *Difference* as to our Security; the *Supream Authority* under a *Popular Form*, or the *same Power* under a Monarchique? You'll have your *Popular Assembly*, the *Judge Unquestionable* of all *Expediences*, and *Dangers*: Why not a *Single person* as well? You say *He may abuse that power*; and *I* say so may *They*."[54] In that tract he invoked a contractualist, Hobbesian sounding idea of society as a social compact, in which each member gives up his liberty for the sake of security and peace, an idea he echoes elsewhere, particularly in his work on toleration.

In his dialogue *Toleration Discuss'd*, he wrote a whole chapter on the "Necessity of Final, and Unaccountable Judge" in matters of religion, as in matters of civic concern. At one point, an interlocutor has questioned what "either Invites Tyranny, or Upholds it, but the Opinion of an Unaccomptable Sovereignty?" L'Estrange's mouthpiece (aptly named Conformity) replies that "the Fiercest Tyranny is more supportable, than the Mildest Rebellion," because of the chaos that follows it. One may judge the sentence of this authority to be unwise or heretical, but not the power of enforcing it, since this would undermine its power to enforce peace and concord. This is the prelude for Conformity to introduce the distinction between matters of conscience and matters of state.

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[54] *Sir Politique Uncased*, pp. 3,11.

> Scruple. *This Resignation may do well, in Cases of* Civil Interest*; but it will hardly hold in matters of* Conscience*. Who Shall pretend to Judge my* Conscience*, beside* God *and my* self*?*
>
> *Conformity.* The *Scripture*, which is the *rule* of all *Consciences*, Shall be the *Judge* of *Yours*. But the Question is not, what your Conscience *Is*, but what it *OUGHT* to be: not what your Private Judgment *Says*, but what the Scripture *Means*: and the thing I strive for, is a Judge of That; a *Judge* of the *Rule* of *Faith*; which I take to be all out as Necessary as a *Judge* of a *Political Law*.

The practical result of undermining the unaccountable judge in England was "a *Prince Murther'd* by his Subjects, *Authority Beheaded* by a pretended *Law*, and All This Defended by a *Text*." Without the authority of the Church to interpret the Bible and maintain the ecclesiastical order, "we have lived to see as many Heresies as Congregations" since "the Bible has been delivered up to the Interpretation of Private Spirits," this being the "Natural *Effect* of *This Liberty* of Judgment."[55] L'Estrange was always sure to couple the explosion of pamphlets and sermons from the press with the growth of religious sects during the civil wars and interregnum period, and insist that the public campaign for toleration, at the Restoration and again in 1670s, was a replay of the tumults of those years: "The *Method* was *Petitioning*; the *Argument*, was *Liberty of Conscience*; and the *Pretext, Religion*; *Popery*, was the *Bug-bear*; and the *Multitudes*,

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[55] *Toleration Discuss'd*, pp. 83, 87. This long quotation cited above is a good illustration of how L'Estrange will highlight certain passages with uses of different types. Scruple's dialogue is mostly in italics, with the words "Civil-Interest-Conscience-Conscience-God-self" highlighted in Roman script, while Conformity's dialogue is mainly in Roman script with the words "*Scripture-Consciences-Judge-Yours-Is-Ought-Says-Means-Judge-Rule-Faith-Judge-Political-Law*" highlighted in italic. L'Estrange does not always do this consistently as far as I can tell, but he does do it in passages where he wants to emphasize a point, in this case by putting two opposed sets of ideas in opposition at the textual level, an illustration of his use of print to create a visual effect rather than an aural one, to create the effect of dialogue.

were the *Umpires* of the *Controversie*. Nay, ye have the very *same Persons* to Lead ye *On*; and *They*, the very *same Matter* to work upon." Associating the demands of the Presbyterians in early 1660s with the petitioning and violence of the civil wars was L'Estrange's characteristic way of attempting to destroy his enemies in polemic, but he sincerely believed his claim that they were attempting to subvert the government which was so recently restored and so very fragile at that moment. This is why he put so much emphasis on the press, and explicitly paired seditious sermons with unlicensed printing, "so that the main use of *Sermons* and *Pamphlets*, is only to Dispose the Multitude to Votes, and Ordinances." The preachers on the one hand say "*In case of False Worship*" and the press says "*In Case of Tyranny, Defensive Arms are Lawful*. If the People Swallow this; the next news ye hear is a Vote for putting of That Position in Practice."[56] It was this equation that guided most of L'Estrange's thinking about toleration and his opposition to it.

Conscience was a notoriously contested concept in the seventeenth century, but contemporaries agreed it meant intuitive moral principles of natural law that the individual conscience applied to particular cases. Thus conscience was very much a religious idea, as such principles could only come from God: Calvin called conscience a "mediator between God and Man," and Christopher St. German referred to it as an "inward iye," seeking out sins that threatened the soul, and perhaps an echo of the common image of the "eye of God," which searched men's souls, such as was portrayed on the frontispiece of *Eikon Basilike*. (L'Estrange in his *Memento* warned those who would commit treason that "*Above them*, there's an *All Seeing Eye*, an *Unchangeable*

[56] *Toleration Discuss'd*, pp. 29-30, 34.

*Decree*, and an *Incorruptible Judge*, that *Over-Looks*, and *Threatens Them*.")
Conscience was also known from medieval times as the "synderesis" or spark of the soul, the remnant of God's light in fallen man.[57] Since the soul belonged to God alone, conscience was supposed to be beyond the jurisdiction of the magistrate, but this also meant conscience was often invoked to defy state authority for religious reasons.[58] According to Condren, this association of conscience with duties was so strong that conscience itself—which could often be taken as a stand in for the soul, or the mind, as a private, inner domain—could be identified almost entirely with the performances of office. It was this tendency, as Condren explained, that made the notion of a "public" conscience possible in the period, whether it was the king's conscience or the people's.

English governments naturally tried to find ways to bind and limit appeals to conscience in resisting their authority, especially with the use of oaths: according to David Jones, the use of state oaths to bind consciences stemmed from the precarious position of the post-Reformation English state, which lacking a standing army to enforce its policies, sought to impose its will on its subjects by binding them with oaths.[59] Jones argued that the courts of Star Chamber, the Ecclesiastical courts of High Commission,

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[57] David Martin Jones, *Conscience and Allegiance in Early Modern England; The Significance of Oaths and Engagements* (New York: U. Rochester Press 1999), pp. 77-8; Condren, *Argument and Authority*, pp. 133-135; Richard Kay "Dante's Empyrean and the Eye of God," *Speculum* Vol. 78, No. 1 (Jan., 2003), pp. 37-40; John N. King, *Milton and Religious Controversy: Satire and Polemic in Paradise Lost* (Cambridge, New York: Cambridge UP, 2000) ch. 6; *A Memento*, p. 133; Robert A. Greene, "Synderesis, the Spark of Conscience, in the English Renaissance," *Journal of the History of Ideas* Vol. 52, No. 2 (1991), pp. 196-97, 209-13.
[58] John Spurr, "The Strongest Bond of Conscience'": Oaths and the Limits of Tolerance In Early Modern England," *Contexts of Conscience in Early Modern Europe*, eds. Harald Braun and Edward Vallance (Basingstoke, New York: Palgrave Macmillan, 2004) pp. 151-53; Roger L'Estrange, *Toleration Discuss'd* (1663, 1st ed.), pp. 92-93.
[59] Jones, *Conscience and Allegiance*, pp. 28-30.

and the courts of Chancery, functioned very much like a government conscience prior to their abolition in the 1640s, an idea that the next chapter will revisit. Those courts ultimately depended on the King for their enforcement, as he was the supreme head of both Church and State. Jones has made a convincing case that this was a peculiarly English practice, and that the significance of such oaths slowly decreased over time after 1688—precisely when England acquired a standing army and a fiscal structure that gave it much greater stability than the Tudor-Stuart monarchs had ever enjoyed, and therefore no need to bind its subjects in a distinctly moral way, in lieu of more effective alternatives.[60] But in the Restoration, this vocabulary of conscience and oaths was something L'Estrange still shared with his contemporaries; he put an inordinate amount of emphasis, for example, on the oath that the Solemn League and Covenant required, as something sanctioning rebellion. He thought of it as the very inversion of an oath, which supposed to bind subjects to perform their duty, but actually bound one to do the opposite. He referred to the Covenant's oath as a "popular Sacrament of Disobedience," and "an Oath of Anti-Canonical Obedience, and of Anti-Monarchical Allegiance…A Religious Abjuration of the King and the Church."[61] The Presbyterians' oaths were anti-oaths, evidences of a diabolical spirit which undermines loyalty and duty, which L'Estrange attempted to exorcise through sheer vituperation in the language of his pamphlets. In this he echoed the sentiments of his party, whose mind itself expressed publicly in the Cavalier Parliament during the Restoration: as one of its first acts it

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[60] Jones points out, however, that oaths were still an issue even in modern Britain as recently in 1997, when Gerry Adams and Martin McGuiness, two members of Sinn Fein recently elected to Parliament, were denied admission to the House of Commons because they would not take the oath of allegiance to the Queen, *Conscience and Allegiance*, p.1.

[61] *Interest Mistaken*, p. 41; *State Divinity; or A supplement to The relaps'd apostate* (London: Henry Brome, 1661) Wing L1311, p. 9.

ordered the Solemn League and Covenant to be burned, while the Act of Uniformity required an oath formally repudiating it.[62] L'Estrange responded to Presbyterian complaints about these oaths with the repetition of his Newgate experiences during the war, and how he had been given the choice of death or swearing the Covenant. The same weapon the English government had forged as a means of securing the Reformation was used against it during the civil wars, and L'Estrange still thought the oath was a necessary adjunct of political allegiance, as did many of his contemporaries.

The way that different groups framed and responded to the imposition of oaths illustrates the importance of office, the particular ways they conceived of what their duties were, and how this determined their allegiance. This was most especially true as regards one of the most divisive types of language available to seventeenth century Englishman. "Popery" was a term that defined the ultimate corruption of both civil *and* ecclesiastical office, as the pope's claims to be able bind Christian consciences undermined both the civil polity, in that he could absolve subjects from their allegiance to their king, but also in the ecclesiastical, where he claimed a right over even the salvation of individual souls in determining what their conscience ought to be.[63] L'Estrange did not dispute that there should be a human authority that could determine what one's conscience ought to be in questions of religion, for the sake of order, but denied papal

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[62] Hutton, *The Restoration*, p. 155; "An Act for the Uniformity of Prayers, and Administration of Sacraments…" *English Historical Documents,* ed. Andrew A. Browning (London: Eyre and Spottiswoode, 1966), pp. 379-80, sec. VI.
[63] Peter Lake, "Anti-popery: the structure of a prejudice," *The English Civil War*, eds. Richard Cust & Ann Hughes (London, New York: Arnold), pp. 184-85.

claims of infallibility. This attitude was shared by many contemporaries.[64] The conscience was, after all, fallen, and needed guidance if it were not to fall into sin, and so naturally many writers in the period sought to limit its scope, precisely by the use of oaths.[65] But they differed over the exact nature and location of that authority, and whatever the theological claims of Presbyterians or other Dissenters that the Bible alone was the judge of religious controversy, in practice someone had to decide what was a matter of conscience and what wasn't. In this narrow sense, the charge L'Estrange hurled so spitefully against Richard Baxter and other irenic members of his party had some truth, in that their claims could be characterized as a right to judge in matters of religion and conscience, rather than the bishops of the Church of England. The accusations of "popery" that seventeenth century English Protestants hurled at each other in large part signified the transgression of the bounds of the minister's office by their opponents. Over the course of the seventeenth century, starting with the outcry against Laud in the 1640s, its meaning became progressively inflated, and ended up as a particularly explosive subset of the more general menace of "priestcraft," so that by the early eighteenth century Dissenting protestant writers could refer without irony or contradiction to the problem of "Protestant popery."[66] The rhetorical aim of this type of denunciation was ultimately to brand one's opponents as threats to public order, something characteristic of L'Estrange but also his contemporaries. Turning back to the narrative of L'Estrange's career again, the rest of the chapter will show that he was one

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[64] Condren, *Argument and Authority*, p. 134; Andrew C. Thompson, "Popery, Politics and Private Judgment in Hanoverian Britain," *The Historical Journal*, Vol. 45, No. 2 (Jun., 2002), pp. 333-356.
[65] Spurr, "'The Strongest Bond of Conscience,'" pp. 154-56.
[66] Condren, *Argument and Authority*, pp. 283, 322; Andrew Thompson, "Popery, Politics and Private Judgment," p. 343.

of the people who helped inflate the meaning of the term "popery," as he and his Cavalier friends turned the accusation of popery back on the party that first used it, in his view, to undermine the Church of England.

**III. L'Estrange & the Presbyterians**

It was following Venner's Rebellion in 1661 that L'Estrange began his year-long campaign against the Presbyterians. The bizarre nature of the whole affair illustrates why L'Estrange's vitriol against Protestant Dissenters was so plausible to contemporaries, despite its partisan nature. Thomas Venner was a member of the Fifth Monarchy Men, the gathered church that believed that armed force could bring about the reign of Christ on earth. He had already attempted to do just this once already in 1657, but was captured and imprisoned briefly; he was apparently inspired by the scaffold speeches of some of the regicides in 1660, such as that of Thomas Harrison, who had signed the death warrant for Charles I, and who was also a Fifth Monarchy man, to try again in January 1661. The newly restored government was conscious of rumors that there would be a rising, but lashed out at former military officers, while Venner and 35 others from his church attempted to take London while the King was away on January 6; initially they were able to occupy St. Paul's cathedral but were driven off by the trained bands. They returned three nights later into the City and engaged in a series of brutal skirmishes with militia and royals guards which left fifteen of them dead, and the survivors, including the unrepentant Venner, were executed and their heads arrayed on London Bridge. And this is not the most amazing element of the story, as Professor Hutton relates that it was Venner and his companions' intention was "to seize successively the capital, the country

and the world."[67] The government at first could not believe the fantastic nature of their design, and thought it must have been part of a wider conspiracy, though it eventually managed to regain its bearings. This event, combined with the London election of several anti-episcopal MPs for the new Parliament that succeeded the Convention Parliament, had the effect of increasing the already simmering fear and hatred of religious sects that would help fuel the Cavalier Parliament in shaping the settlement of the Church of England in 1661.[68]

The Restored Church of England was going to have bishops, but it was not initially clear what kind of bishops they would be; in the provinces the Church of England was already staging a comeback, and it was the gentry who would have their way in religious policy. After the Convention parliament demurred to settle the question of the ordination of ministers who had been ordained during the Interregnum, a meeting was convened at Worcester House, the Earl of Clarendon's residence, to draft a declaration concerning the matter. On October 25 1660 the Worcester House Declaration called for an episcopacy which would not have exclusive powers of ordination, outlining a modified form like that of James Ussher's "primitive episcopacy" which would govern with the consent of the lower clergy. The Declaration left the matter of the Prayer Book's revision to a later commission.[69] But the spontaneous revival of the Church of England in the provinces began a shift in attitudes, as the clergy began using the Book of Common Prayer even before its use was mandated by Parliament, as well as wearing surplices and other controversial vestments at services. Thus when the Cavalier

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[67] Hutton, *The Restoration*, pp. 150-3.
[68] Hutton, *The Restoration*, p. 152; Spurr, *The Restoration Church*, p. 38; De Krey, *London and The Restoration*, pp. 71-79.
[69] Spurr, *Restoration Church*, pp. 34-36; Keeble, *England in the 1660s*, p.112.

Parliament met in May of 1661, its members were not in the mood to compromise on the nature of the Church's authority.[70] Meanwhile, an assembly of Episcopalian and Presbyterian divines met at the Savoy in April 1661 to discuss possible revisions to the Prayer Book. The issue of what type of liturgy the Church of England have involved issues of authority (who had the right to impose such a settlement?) and in whom that authority would be located (the bishops? the whole clergy? the king?), as well as who were actually ordained ministers, as those who were not ordained by bishops would have to be re-ordained if the notion of apostolic succession were adhered to. Eventually, the Savoy conference broke up without making any progress, as the divisions had hardened between the defenders of the Prayer Book and the Presbyterians, led by Baxter. The main issues would be resolved in the Convocation, which began to meet in May 1661, and which by December had rewritten the Prayer Book so that it reflected a conception of the episcopate which gave sole power of ordination. With the passage of the Act of Uniformity in February of 1662, the Church of England's settlement was more or less complete.[71]

It was around the same time that L'Estrange began to agitate against the Presbyterians in April 1661, just as the Savoy Conference was getting under way. He leaped into the fray with an attack on a pamphlet by the minister John Corbet called *The Interest of England in Matters of Religion*, published in two parts in 1660, and then again as one work in 1661. Corbet was a "most faithful and familiar friend" of Richard Baxter, and one of the soon to be ejected ministers when the Act of Uniformity was passed in

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[70] Spurr, *Restoration Church*, pp. 37-39; Keeble, *England in the 1660s*, pp. 115-116.
[71] Spurr, *Restoration Church*, pp. 39-42; Keeble, *England in the 1660s*, 116-120.

1662.[72] Corbet argued for an accommodation based on the idea that the ceremonies and rites which the Episcopal party was insisting on were things indifferent, and should not be made mandatory for membership in the church. In the *Interest of England* he argued it was claims to *jure divino* episcopacy that had caused the divisions in the Church, and that "the infringement of due Liberty in these matters" (debatable matters, according to Corbet, such as "Hierarchy" and "Ceremonies") "would perpetuate most unhappy Controversies in the Church from Age to Age." Corbet denied the authority of human traditions in this area, as Scripture was the only rule for the fixed points of religion, because it has "full authority to interpret itself." Moreover, treating human authority as infallible in these matters caused schisms between the Latin and Greek churches, and he asked quite reasonably, "if the Church of Rome may err, why not the Church of England?" This debate turned on what different writers believed constituted the office of a Christian minister (or priest or bishop), what types of duties and responsibilities he had, and whom could rightfully claim to be charged with fulfilling them; this in turn affected what types of ecclesiology one might profess, and this is what made debates over surplices and set prayers so volatile. Corbet referred to rituals he believed of human origin as "mystical Ceremonies" or the surplice as a "religious mystical habit, the character or badge of a Sacred Office, or Service conformable to the linen Ephod under

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[72] Baxter, *A Sermon Preached at the Funeral of that faithfull minister of Christ, Mr. John Corbet* (London: Thomas Parkhurst, 1681), p. 27; N. H. Keeble, 'Corbet, John (*bap.* 1619, *d.* 1680)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004. [http://www.oxforddnb.com.www2.lib.ku.edu:2048/view/article/6289, accessed 26 June 2009]; Keeble, *Richard Baxter: Puritan Man of Letters* (Oxford: Clarendon Press, 1982), p. 124; Geoffrey Nuttal, *Richard Baxter* (London: Nelson, 1965), pp. 101-2, 108.

the Law." As Corbet put it, because of their adherence to *sola scriptura*, his party could not be satisfied with "the State-Religion, or to believe as the Church believes."[73]

Corbet couched his appeal in terms of personae, of the type of people he claimed his party represented. The Presbyterians were a sober and serious people, who "are strict observers of the Lord's day, and constant in family prayer: They abstain from…petty oaths, and the irreverent usage of God's name in Common discourse…they are just and circumspect in their whole behavior." He sounds oddly like L'Estrange in his *Memento* when he says that Presbyterianism has flourished among "the more considerate and teachable sort in all parts of the Kingdom, especially in the more civilized places, such as Cities and Townes," and in Scotland as well. Corbet stressed their obedience to the king, saying that Charles II was the "primam mobile to carry about the inferiour Orbes in our political world," and that they desired not dominion or "an ample, splendid and potent State; but at Liberty and Security in their lower Orbe," that they were no "wandering stars, a people given to change, fit to overturn and pull down, but not to build up." Conversely, his opponents were the very opposite of the moderate, lawful and religious Presbyterians. The "Prelatists" and "Opinionists," as he termed his Episcopal opponents, would have the government "abandon that sort of persons that contribute so much to the upholding of" their "Darling Protestantism." The bishops or those who "resolve to give no ground for the gaining of dissenting brethren, it is not the love of Christ, but perverse self love, and the love of the world that constrains them." The proposed changes to the Church of England's liturgy and its "Canonical subscriptions" or oaths were "unreasonable, unprofitable and unnecessary," partly because they suggest an

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[73] John Corbet, *The Interest of England in Matters of Religion* (London: George Thomason,1661) Wing C6256, pp. 39, 35-6, 81, 97-101, 111-113, 40-1.

"infallibility in the composers of those books" which is "not consonant to Protestant principles," and served no other purpose than to exclude people. Furthermore, the yoke of the bishops' human authority would alter the character of the nation itself, because "a people rude and servile in Religion will be rude and dissolute in Conversation, as we see in Popish Countries, and in all places where spiritual tyranny prevaileth." He makes the general point that certain types of people are fit for certain types of government, and that because of this "absolute *Prelacy*" was not fit for "a people that are given to search Scriptures, and try Doctrines," at least those in the parts of England "where the Inferior Clergy…is not rude and ignorant."[74]

This sort of tract was tailor-made to elicit a response from L'Estrange, with its earnestness, sobriety and utter lack of humor, and he attacked it with a vengeance. His core religious objection to the Presbyterians was that they were caviling at things indifferent, and undermining the authority of the King in Parliament, which had the right to impose them. An excerpt from Augustine's *Civitas Dei* on the title page of his reply to Corbet, entitled *Interest Mistaken, or the Holy Cheat*, informs the reader that "nullo modo his artibus placatur Divina Majestas, quibus Humana Dignitas inquinatur," which means roughly "the Divine Majesty is in no way pleased by that art, which defiles human dignity." The message was simple: the Presbyterians were hiding their ambitions for power under a cloak of religion, and undermining legitimate human authority—an argument calculated to appeal to those suspicious of religious objections to civic authority, given the circumstances. In the opening "To the People," L'Estrange informed his readers that "I reckon it my Duty to my Prince and Country, to my own Honour, and

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[74] Corbet, *The Interest of England*, pp. 249-50, 29, 88-89, 50, 105-108, 204-05, 234-35.

to the oath I have taken, *Where ever I find a Publique enemy, to discover him*: and being thus Commissioned, by Conscience and Authority, I proceed." As for the matter itself, L'Estrange argued that the Church of England was the proper authority to judge of what ceremonies are lawful in the Church, both because the King-in-Parliament established it, and because of its apostolicity: "all the world knows (as much as they know anything of that Antiquity) that Bishops are of Apostolic Extraction: and we are not to Imagine, that They died intestate, and their Commission with them." These are the twin pillars of the Church of England: "if we respect the holy *Order* of *Bishops*, together with the Sacred Authority of *Law*, by which they are here established, how scandalous and irreverend is his Invective!" He quoted several Protestant authorities, including Luther, Calvin, Beza, on the acceptability of bishops, though he skirts the issue of apostolic succession and *jure divino* episcopacy, as all of them would have rejected such a view. He also cites Calvin, Bucer and, as mentioned earlier, his own brother Hamon's work, to demonstrate the principle that human authority could establish ceremonies not instituted in the Bible. But that there was religious division on this issue he admits, for "*in Queen Elizabeth's days too, the Protestant religion was divided against itself*." But this only goes to prove that "it is not Religion which moves these people," their real purpose being "to get the same Dominion here, which Calvin and Beza exercised at Geneva."[75]

L'Estrange's arguments were certainly partisan, and motivated by his own particular grievances; in his "To the Good People of England," he mentions that the "*Rigid Presbyterians*" as he called them "once did me the Honour to *Condemn* me, almost at *Midnight*, by *Pack'd Committee* and without a Hearing; well nigh four years

[75] *Interest Mistaken*, title page, "To the Good People of England," pp. 85-86, 88-89, 105-110.

they kept me in *Newgate* on that Account. That was a pretty tast of their good Nature." His claim that he desired "only to make a sober use of these Mistakes" in the king's cause is hardly credible; he could not conceive of his cause apart from the king's, but he was by no means innocent of pressing personal grievances, or perhaps a bit venality in trying to secure a place for himself. But it is not as if he did not have a point: when Corbet (or Baxter for that matter) would insist on Scripture being the rule for deciding disputes about things indifferent, he would reply that endless strife "comes of not submitting to some Final, and overruling decision. Upon this pinch at a dead lift, they fly to their *Judgment of Discretion*; which leave them still at Liberty to shape their Duty to their Profit." This would inevitably lead to them being the judge of such disputes: "they tell us; *They'll be tryed by the Word of God*, not heeding, how *That* is again to be tri'd by *Them*: so that in Issue, their private Interpretation of the Scriptures must pass for the *Law Paramount*, to which King and People both are equally, and indispensably subjected."[76] Their criticism of the Church of England naturally raised the question of ecclesiastical authority, and L'Estrange thought their answers meant that they—and other ministers Baxter and Corbet—were claiming authority to decide that question which to him rightfully belonged to the bishops.

Thus the dispute between L'Estrange and Corbet over authority in the church stemmed from their differing conceptions of the office of minister: if the bishops had no especial authority, but were merely overseers, then they would have no claim to sole jurisdiction, as the Presbyterians were claiming. Corbet seems to have been appealing to some kind of notion of the "priesthood of all believers" when he identified Presbyterians

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[76] *Interest Mistaken*, "To the Good People of England," p. 34.

as sober, learned persons adept at preaching the Gospel; if there were no particular order of persons charged with duties of ordination, preaching and the like, then all Christians have that office, and the only meaningful distinctions between them would be learning and fitness of character, precisely the attributes that Martin Luther said would qualify ministers to have authority over laymen.[77] For L'Estrange, Corbet's ideal Gospel minister, for whom "due Liberties" in matters indifferent might be perfectly acceptable, given that all ministers equally have the same office, was nothing more than the usurpation of the bishop's apostolic office. For L'Estrange, the whole system of Presbyterian government erected during the civil wars was illegitimate, for it had been constructed on the fruits of rebellion, whatever the status of individual ministers. When Corbet asked rhetorically whether "Prelacy" could be restored after so many years, L'Estrange replied "Cannot *Prelacy* be better *restored* after a *Discontinuance*, then *Presbytery erected*, where it never had a *Being*?"[78] Thus he saw Corbet's opinions as a private interpretation, without binding authority, because for him public authority lay with the deposed but lawful clergy who had not participated in rebellion.

L'Estrange was ever ready to bludgeon the Presbyterians with the fact that some of them had supported the war against the king. He conflated opposition to royal policy with actual resistance and even regicide, and around this built a negative persona of Presbyterians as a group of people whose inclinations and doctrines led ineluctably to anarchy and civil war. His responses to Baxter toward the end of 1661 illustrate this point. Richard Baxter published *A Petition for Peace* in November 1661, and *Two*

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[77] Martin Luther, "To the Christian Nobility of the German Nation," in *Martin Luther: Three Treatises* (Philadelphia: Fortress, 1972), p. 12.
[78] *Interest Mistaken*, p. 102.

*Papers of Proposals Concerning the Discipline and Ceremonies of the Church of England* in December 1661. Both were published after the Savoy conference had wrapped up and while the Convocation was putting the finishing touches on the settlement, which would turn those like Baxter and Corbet out for good. Both were concerned with the liturgy, which had been the subject of the Savoy conference, and made many of the same arguments as had Corbet's longer treatise. *Petition for Peace* actually contained a liturgy composed by Baxter himself during the conference; he argued that the ministers ejected at the Restoration should be reinstated without having to be ordained, and that there should be general liberty for ministers in regards to things indifferent, namely ceremonies, prayers and other non-biblically mandated parts of the liturgy.[79] Baxter, like Corbet, also identified the Presbyterians as the godly and learned, and therefore fit to be allowed exemptions from the particulars of the liturgy which they found objectionable. He lamented that anyone should "make men disobedient by imposing things unnecessary, which they shall know are by learned, pious, peaceable men, esteemed sins against the Lord," and claimed that his party "impartially study & pray for knowledge, and would gladly know the will of God at the dearest rate," and that because of this his opponents "must prove they know the dissentor's hearts, better than they are known to themselves, that expect to believed by charitable Christians."[80] Baxter in the *Two Papers of Proposals* asks that those Presbyterians who are "diligent and serious about matters of their Salvation" may not be scorned or verbally reproached, but "may have Liberty and Encouragment in their duties, of exhorting and provoking one another to Love and Good Works, and of building up one another in their most holy

[79] Richard Baxter, *A Petition for Peace*, p. 2-3.
[80] Baxter, *A Petition for Peace*, pp. 12, 13.

Faith, and by all religious and peaceable means of furthering one another in the ways of Eternal life." He did not label his opponents in the way that Corbet did, but did contrast his notion of "primitive episcopacy" with his opponents, which he said would amount to an "episcopus princeps, endued with both sole power of Ordination and Jurisdiction: for though it be sayd, the Bishop shall do nothing without the advice of the Presbyters, yet their Consent is not made necessary, but he may go contrary to the counsel of them all." Interestingly, he saw Presbytery as a check on the "Corruptions, Partialities, Tyrannies, and other Evils which may be incident to the administration of one single Person." He also complained that in large dioceses the bishops had been forced to depute some of their duties to "*Officials*, whereof some are Secular persons, and could not administer that Power which originally pertaineth to Officers of the Church," and this was a dereliction of their duty, "the Pastoral Office being a work of Personall Ministration and Trust." The type of episcopacy favored by writers like L'Estrange would be an imposition on the true office of pastors, because "it is the very nature and substance of the Office of Presbyter to have the power of the Keys for binding or loosing, retaining or remitting sin: which therefore together or apart, as there is occasion, they are bound to exercise. And this being the Institution of Jesus Christ, cannot be altered by man."[81] For Baxter, the ministers about to be ejected were already publicly sanctioned officers of the church, because they fulfilled the duty of pastors as he understood it, and claims that the bishops represented a "*Superior Order*" above that of presbyters was a false violation of their rights as officers of the church.

[81] Baxter, *Two Papers of Proposals* (London: 1661) Wing B1440, pp. 4, 15, 5, 17.

As with Corbet, the differences between Baxter and L'Estrange over ceremonies and liturgy were rooted in differing conceptions of ministry, and therefore with different ideas of who could and could not act as "public persons" in such matters. When L'Estrange vituperated both Corbet and Baxter for publishing works dealing with those subjects, he was applying his own standards for who counted as public officers of the church. In *The Relaps'd Apostate*, his reply to *Petition for Peace*, L'Estrange (who at that point was not sure who had written it), wrote that Baxter's liturgy was "an unauthorized Form of Worship: compos'd, Printed, Published and Dispersed by private persons"; even if Church authority erred, allowing someone "to correct a publick sanction by a Private hand, is but to mend a Misadvice by a Rebellion."[82] To L'Estrange, Baxter and Corbet were "private persons," and what enraged him was not merely the proposing of changes to the liturgy, but also attempts to publicizes these proposals and inflame "the People." When replying to Corbet's question about the restoring of "Prelacy," for example, he made the interesting comment that "these hints upon fair grounds and given in *private*, [his italics] might very well become the gravity of a Churchman, or the profession of a Loyal Subject. But to the *People*, these Calculations are Dictates of Sedition; and only meant to engage the credulous and heady multitude in the false opinions both of the Tyranny of Prelates, and their own Power." Presumably, he meant that private inquiries to the king or other authorities were licit, but publishing views opposed to those of the government were a different matter. As it stood, any move to publish criticisms was a move toward violence: "where there are failings in Authority, 'tis not for Private Persons to take Public notice of them. Who ever does that, would

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[82] *The Relaps'd Apostate*,

strike, if he durst."[83] To be sure, he would often reiterate that he wished to distinguish good Presbyterians from bad ones, because "I do not think it Honest to expose Particular Persons to a Publick Scorn, but in case of high Necessity," and was concerned with blackening them as a party, not as individuals. But he nonetheless blamed them for the death of the king, because they had first publicly justified the rebellion against him, and it was their example that made his execution possible, even though they opposed the execution themselves. As he put it, "the Indpendents Murthered Charles Stuart, but the Presbyterians killed the King," that is, the Independents killed the man, but the Presbyterians' ideas were the justification for the destruction of his office.[84]

The charge that the Presbyterians were directly responsible for the king's death was certainly an exaggeration, as most of the Presbyterians in Parliament had been opposed to it, and many of them were ejected from that body by Pride's Purge for that reason. Some modern historians have detected hypocrisy in L'Estrange's actions, as he turned on his erstwhile allies during the Restoration to shut them out of the Church of England.[85] Baxter was no anarchist, and was just as much devoted to a religion of order as was L'Estrange. The Presbyterians and Baxter himself also tried to shape a negative persona of their religious opponents, in particular the Independents whom he labeled antinomians; according to Baxter they taught that "they ought to do no duty inward or outward, as a means of their Salvation, lest it be against Christ and Free Grace which saveth them." Baxter argued that these beliefs would lead people to abandon their duties

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[83] *Interest Mistaken*, pp. 102, 120-21.
[84] *Relaps'd Apostate*, p. 24; *State Divinity*, p. 15.
[85] Kitchin, *Sir Roger L'Estrange*, p. 44; Beth Lynch, "Rhetoricating and Identity," p. 14; William Lamont, *Richard Baxter and the Millennium: Protestant Imperialism and the English Revolution*, (London: Croom Helm, 1979) p. 79.

both civic and religious.[86] His belief in the divinely appointed Christian magistrate granted to the magistrate as much divine authority as L'Estrange could have wished. According to William Lamont, Baxter over time came to attribute to Christ a "kingly office" which to his mind was deputed to Christian princes or magistrates alone, so that "Papists and too many Protestants…call for the exercise of Christ's Kingly office by a vile mistake." Baxter evidently saw the historical development of a Christian Empire with the conversion of the Emperor Constantine as a providential working out of God's revelation, unlike his friend Henry More, and Lamont argues that Baxter was not a millenarian in the sense that More was precisely because he saw the advent of Christian magistracy as part of a Christian millennium that existed in the past, rather than a future reign of the saints.[87] It was his "profound commitment to Protestant Imperialism" and the "historic role of the civil magistrate" which in large measure accounted for his persistent desire not to separate from the Church of England, even at the end of his life.[88]

As Baxter's view of Christian monarchy was as high as L'Estrange's, this raises the question of how they came to adopt such differing views. The answer lies in their attitude towards "popery." For example, it appears that Baxter did in fact think the execution of Charles I was justified. Lamont notes that in 1683 the Oxford Convocation charged him with holding twenty seven propositions, of which Lamont says all were false except for two: he held that Covenants made even with a "dispossessor" had validity over previous ones made with a lawful sovereign, and that when Charles I made war on

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[86] Tim Cooper, *Fear and Polemic in Seventeenth Century England: Richard Baxter and Antinomianism* (Aldershot, UK, Burlington, VT: Ashgate, 2001), pp. 30, 68-71.
[87] Cooper, *Fear and Polemic*, pp. 76-78; William Lamont, *Richard Baxter and the Millennium*, pp. 59, 67-69.
[88] Lamont, *Richard Baxter and the Millennium*, p. 211.

his parliament he ceased to be king, and so could then be lawfully resisted. More to the point, the war that really mattered to Baxter was not the one started in 1642 in Nottingham, but rather the Irish Rebellion of 1641, in which he thought that Charles I was in some way complicit, and, apparently, seriously entertained the belief that Charles I was executed by a cabal of Jesuits under orders from Mazarin the French minister.[89] This was the one exception to his high view of Christian magistracy, as he showed in his tract *Against Revolt to a Foreign Jurisdiction*, published in 1691. Written as a justification for the Revolution of 1688, in which, like L'Estrange, he made parallels to the events of 1641, he drew a very different conclusion from them. For Baxter, the unpardonable sin was that James had introduced popery into the Protestant imperium, and this alone could justify political violence against one's sovereign (or former sovereign, as he would have it). This rather slight difference in attitudes toward "popery" is what distinguishes Baxter from L'Estrange. As much as he decried the doings of Jesuits, and was not averse from occasionally indulging in "papist" paranoia, L'Estrange could never forget that they had done him and his royal master good service, while his fellow Protestants had fought, killed and justified the killing of his king. Thus he was always more wary that the cry of popery had been used against the Church of England and the crown to more devastating effect than that of popery itself ever had. Both Corbet's and Baxter's tracts of 1661 opposed the imposition of what they termed "things indifferent"—chalices, surplices, set prayers, and other liturgical items not explicitly mandated by Scripture—because of their "popish" connotations, which they thought might lead them into popery or otherwise give

[89] Lamont, *Baxter and the Millennium*, p. 110-13.

ammunition to papist apologists.[90] This is why L'Estrange could feel justified in spewing with all of his venom that the Presbyterians are "Ridiculous Brutes, to boggle at a Surplice, and yet run headlong into a Rebellion," or cry with exasperation, "Oh have a care; 'tis Lawful to Kill and Steal on the Lord's Day, but not to serve God Publickly on a Saint's Day."[91]

Both L'Estrange and his Presbyterian opponents, however, thought there were limits to the obedience owed to the king; later in life, L'Estrange was forced to passively disobey James's attempt to re-Catholicize the realm, demonstrating his ultimate loyalties lay with the Church of England. But L'Estrange thought his Presbyterian interlocutors, with their fears of popery, taught the subjects of the king that it was lawful to actively resist the monarch if he violated the laws of God, and so constituted a grave threat to public order. And so what might seem like a small difference of opinion over the office and duties of a minister was enough to make L'Estrange, and many others like him, willing to justify the suppression of those opinions.

**IV. The Duty of Intolerance: *Toleration Discuss'd***

L'Estrange was in many ways the voice of the provincial gentry whom the initial settlement at the Restoration had denied revenge against their former enemies, and who in response managed to have their way with regards to the settlement of the Church of England. Charles II had other ideas, however. The Act of Uniformity was passed after initial efforts by the King and his ministers, in accord with his declaration at Breda, to provide relief for those of "tender consciences," and even after its passage in 1662, he

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[90] Corbet, *Interest of England*, pp. 129-32; Baxter, *A Petition for Peace*, p. 9.
[91] *Interest Mistaken*, p. 102; *Relaps'd Apostate*, pp. 14-15.

still made efforts to grant certain ejected ministers exemptions from those laws. He had Clarendon ask Parliament to grant the king the power to do so, and convened a conference of ministers at Hampton House for that purpose. But the Parliament was in no mood for such tolerance, partly from a rightly held suspicion that the measure was proposed in order to cover Catholics as well, as it was suggested by the king's Catholic councilor, the Earl of Bristol. What was significant about the first defeat of Charles's intended religious toleration was that it came about through the combined efforts both of the Parliament but also of the newly restored bishops of the Church of England, in particular the Archbishop of Canterbury, Gilbert Sheldon, whose "dexterity" was responsible for rallying the bishops and the Commons against such a move by the King. It was a momentous decision, for it meant that the higher ranks of the clergy had thrown in their lot against the express wishes of the legal head of the Church of England, and allied themselves instead with "public opinion"—that is to say, with the gentry class, so much so that, as Professor Hutton has observed, the effect was to "alter James I's famous equation to another, more fundamental and durable: 'No bishops, no gentleman.'"[92] This would set a pattern for further confrontations to come over the issue of toleration between the Church of England and its lay supporters in the future, in 1673 and 1687, and the monarch who would attempt to assert the crown's dispensing power against parliamentary statute. Thus a conflict was initiated in the beginning of the reign of Charles II between those who ruled the soul of the Church (the bishops) and the bodies of its members (the king), one which would eventually culminate in the dissolution of the

[92] Hutton, *The Restoration*, pp. 169, 176, 194, 196; Spurr, *The Restoration Church of England*, pp. 48-51.

Restoration settlement and its replacement in 1689 with a regime of professed, if grudging, toleration, a conflict with which L'Estrange's identity was intimately bound up.

It is a measure of the delicacy of both the Church of England's position in 1663 and L'Estrange's that it should be so, for both proclaimed loudly that one of the distinguishing characteristics of that body was that it reconciled duty to God and king better than other churches. Not surprisingly, such a disjunction would have been threatening, to say the least, to L'Estrange's identity, and he leapt into the fray with characteristic gusto just about the time that Parliament had rejected the king's request for the power to exempt selected persons from the Act of Uniformity. *Toleration Discuss'd*, first published in 1663, was written in dialogue form, with three voices represented, "Conformity" (Anglican), "Zeal" (Presbyterian) and "Scruple" (Independent). The voice of L'Estrange is represented by Conformity, who gets the best of the argument, but the other voices are allowed some leeway, and the text, like his later *Observator*, gives the impression of overhearing a debate, with its use of bold lettering and gothic script. In the preface, L'Estrange says he was moved to write as "*Honestly Obliged to Offer it as a* Duty" after the "Non-conformists" had revived their bid for toleration, "*together with the Dispersing of divers, Virulent* Libells," but makes no mention what he must have known, that toleration was also the king's wish as well. Perhaps that was part of the attraction of the dialogue form for him, in that he could create a sort of allegorized persona ("Conformity") in order to distance himself from the delicate task of opposing something the king favored.

As for its content, *Toleration Discuss'd* articulated in a more general way what his earlier tracts against the Presbyterians had only partially articulated, namely a

distinction between freedom of conscience (freedom in one's thoughts) and freedom of practice (public actions, including publishing one's thoughts). The distinction between freedom of conscience and freedom of practice was a fairly common one at the time L'Estrange wrote his tract; John Locke argued against toleration during the period when the Church was being legally settled in his unpublished *Tracts on Government*, in terms almost identical to those of L'Estrange.[93] When Zeal and Scruple tell Conformity that they want "Liberty of Conscience," Conformity replies that they already have it: "Your Actions are indeed Limited, but Your Thoughts are Free," since the magistrate's power only extends to bodies, not souls. This sort of "politique" version of toleration presupposes the idea that the king's authority rests on divine institution as well, and that he has a right to order things indifferent as he pleases. L'Estrange opposed universal toleration for any party, saying that one must have universal toleration for all or none; he admits honest individuals who oppose conformity for conscience sake may be tolerated, but they can only be known as such by making to "endeavour their own *Satisfaction* without any Importunities upon the *Publique*: for when once they come to join in a Complaint against the Law, 'tis no longer *Conscience*, but *Faction*." What he means by "the Publique" here is the kingdom as a whole, because "the Magistrate" is a "Publique Minister," whose "Commission does not Reach to Particular Consciences," whereas "every Particular is to look to One, and the King to the Whole." This is why the king could use his dispensing power to exempt individuals from the law, but that such

[93] Jacqueline Rose, "John Locke, 'Matters Indifferent,' and the Restoration of the Church of England," *The Historical Journal*, 48, 3, (2005), p. 613. See also Mark Goldie, "The Theory of Religious Intolerance in Restoration England," *From Persecution to Toleration: the Glorious Revolution in England*, eds. Ole P. Grell, N. Tyacke, J.I. Israel (Oxford: Clarendon Press, 1991), p. 358.

exemptions could not be based on a right of the people at large to toleration. This was because "if it is the Subject's Due, then it is none of the King's: so that the People are Supream," which would mean that he had effectively abdicated his "Authority, wherewith God hath entrusted him."[94]

But what happens if the king doesn't uphold what is for the common good, and errs against it? L'Estrange answers this question in an interesting and perhaps revealing way. He has "Conformity" reply to Zeal that the King (or the Supreme Magistrate, in more abstract terms) has a "Double Conscience; One that Concerns Himself, the Other, His People," or as he calls them a "Personal Conscience" and a "Political Conscience," the one responsible for his "Personal Judgment," the other his "Prudential Judgment." What is more interesting is that Conformity says what the king's "*Personal Judgment*" is "has been Declar'd Abundantly; What his *Prudential Judgment* may dispose him to, lies in his Royal breast." What did this distinction mean for L'Estrange exactly? It could be that he is suggesting the King's personal judgment is subject to his prudential judgment; the king after all wanted toleration for "tender consciences," as he had declared in his declaration at Breda,[95] but gave his assent to the Act of Uniformity, under pressure from the Cavalier parliament. Additionally, Charles II was suspected of being Catholic at the time, and according to accounts did in fact become one on his deathbed, but never did so while he reigned—could this be another instance, perhaps, of the king subordinating his "personal conscience" to his public one? This would make sense, but then it would mean that L'Estrange's constant assertions of loyalty to the crown would be, to say the least, susceptible to the charge of hypocrisy, since it could be taken to mean that he supported

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[94] *Toleration Discuss'd*, pp. 5, 47, 94, 13.

coercing the king's *personal* conscience for the public good, something he lambasted his enemies for.

This somewhat cryptic assertion of the "king's two consciences" is further clouded by his assertion just a few pages earlier that, in addition to the King's two consciences, that another primary reason in favor of intolerance is "the solemn and deliberate *Judgment* of the *Church*: which is Effectually, the *Publique Conscience*." So is it the king who is the keeper of the nation's conscience, or the Church of England? This is was an especially pressing question for L'Estrange given his commitment to the monarchy, as both James I and Charles I articulated something like the idea that the king had both a public and a private conscience.[96] L'Estrange distinguished between government and religion, and thought that though the King was governor over the bodies of his subjects he could not touch their souls. And he seemed to grant a *jure divino* status to the bishops of the Church of England, presumably in the matters of doctrine over which, he claimed, the king had no authority. But he did not openly address what might happen if the legal head of the *government* of the Church of England, the King, by law established should conflict in his personal judgment with the judgment of those responsible for the *religious* teaching of the Church of England, the bishops; he only stated, when Scruple asks Conformity whether he should follow truth or authority in such general cases, that one should follow both: "Truth with his soul, and Authority with his body." Who had the final say when they came to conflict? Conformity/L'Estrange

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[96] Jonathan Goldberg, "James I and the Theater of Conscience," *ELH*, Vol. 46, No. 3, (Autumn, 1979), pp. 383; Kevin Sharpe, "Private Conscience and Public Duty in the Writings of Charles I," *The Historical Journal*, Vol. 40, No. 3, (Sep. 1997), pp. 643-665; Condren, *Argument and Authority*, pp. 132-33. Sharp notes that Charles I adhered to the notion of a "national conscience" while admitting that,in their individual consciences, "'every private believer is a priest and a king,'" p. 651.

brushed off the question with the not completely unreasonable assertion that such conflicts were "so Remote a Possibility [one] must not presume to Bolster the Thinkings of a Private Spirit against Authority" by publicizing such a hypothetical question. The fact that L'Estrange rails against people whom he proclaims as "private spirits" non stop conceals this crucial question from view in his writings, at least implicitly; but as it happens, his theory was finally put to the test: when James II ceased to heed the warnings of his self-proclaimed "loyalists" such as L'Estrange in 1688, L'Estrange did not resist him but did, finally, refuse to acquiesce, and decided to suffer the consequences as a result. This leads me to believe that L'Estrange himself largely thought that it was the Church of England—and not the king—which was the ultimate arbiter of the state's conscience, but that he recognized, even if only implicitly, the incredible tensions that this state of affairs seemed to augur, with two authorities claiming divine origins but with different offices—as indeed it had in the middle ages. For all of his protestations and vitriolic denunciation of the king's enemies, there were for L'Estrange, as for Baxter, limits as to his obedience to his king, no matter how hard he tried to conceal them. More to the point, he recognized them in his public writings, however fleetingly, at an early stage in the Restoration.

*Toleration Discuss'd* was intended to influence not generic public opinion, but rather the king and Parliament, in whose hands at that point the fate of the Church of England truly lay. The fact that *Toleration Discuss'd* was published three more times, in 1670, 1673, and 1682, bears this out. For in the late 1660s, Charles II again made overtures to Protestant Nonconformists about toleration, as the provisions of the first Conventicle Act (1664) were set to lapse. Its enforcement, like that of the Five Mile Act,

had been sporadic, since its enforcement at the local level always depended on the local JPs, who might or might not be sympathetic to its aims.[97] The court began to change its tune in late 1669, as the king issued a proclamation asking for the fuller prosecution of laws against Dissenters, but the bishops were still suspicious of him, and in October 1669 Parliament met to draft new legislation against Dissenters, the result of which was the passage of a second Conventicle Act that gave more teeth to the enforcement of the laws but also contained a proviso which asserted the King's rights in ecclesiastical affairs, allowing him to dispense with the laws in the case of individuals. This was a prelude to his Declaration of Indulgence which he issued in 1672, which was withdrawn a year later; in 1673, England was at war with the Dutch, and Parliament denied the king funds for the war until the Declaration was withdrawn.[98] This was a watershed moment, as it led to the first wave of "anti-popery" outbursts since the 1640s, and a greater awareness and suspicion of the court's affinities with Catholicism and with France in particular.

L'Estrange republished his text on toleration to coincide with the meeting of parliament in 1670 and 1673, but the text itself he greatly expanded, and so amounted to a different text, if not a different argument. The first edition was only 106 pages; the second and third editions ran to 350 pages in length, the first 270 pages a lengthened version of the first, this time in the form of dialogue between a Conformist and a Non-Conformist replacing Zeal and Scruple. The last eighty pages or so are taken up by a dialogue not between a supporter of the Established Church and a Dissenter, but between a Presbyterian and an Independent, terms which he may have chosen to display the fractiousness of those who dissented from the Church of England. This rhetorical move

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[97] Keeble, *England in the 1660s*, p.142.
[98] Spurr, *The Restoration Church of England*, pp. 55-64.

on his part had a double purpose: in the first instance, he wished to collapse any opposition to the Church of England's status under the generic heading of "Nonconformist," while at the same time delineating the differences which still divided those groups which would not conform, a point he never ceased to stress. This was an interesting strategy, since the very fluidity of confessional identity following the Restoration made Non-Conformity difficult to identify, as the phenomenon of occasional conformity bore out, and even more in the lives of individuals who may have attended the Established church at one point or another on their way to one of the Nonconformist churches.[99] One can see this in the way he seems to shift his accusation from the first edition in that, whereas before he claimed the same party had the same designs upon the government in advocating toleration, in this later text he seems to emphasize the furtive nature of the demand for toleration: "the Nonconformists are the Party that desire a Toleration; Pray, let me ask ye, What are their Opinions? What are their Names? For, I presume, you will not expect a Toleration for no Body knows What, or Whom. Are they all of a Mind? If they were Tolerated Themselves, would they Tolerate One Another?" In the same chapter, Conformist rattles off the names of various religious sects that came out of the civil wars, Presbyterians, Independents, Quakers, Anabaptists, Brownists, etc., seeking to know of which group his interlocutor is a part. Nonconformist then replies that he is not a part of any of those but favors "Tolerating Those of Sound Faith and Good Life, that have taken some Principles of Church Government Congruous with the National Settlement," to which the Conformist responds "you are FOR All Parties, but not OF Any. Which Generality gives to Understand, that your Business is rather a

[99] Spurr, *Restoration Church*, pp. 200-202.

Confederacy, than a Scruple."[100] As with the first edition, the charge is basically the same, that a general toleration would destroy the established government and lead to confusion and anarchy. The difference is that it is no longer directed against a particular party, or persona, but against a much more vague and amorphous phenomenon of "nonconformity." It is almost as if the conflation of all forms of dissent from the established church into one large generic grouping of Nonconformity has made it difficult to identify the church's actual opponents, a striking change from the early 1660s, when L'Estrange seems quite willing to identify his opponents by party label.

The second edition of *Toleration Discuss'd* also appears to make a passing mention of the Five Mile Act, which had not been passed when the first edition was written. It appears in a chapter with the title "The Nonconformists Joynt Complaint of Hard Measure and Persecution, Confronted with their own Joynt Proceedings," in which L'Estrange yet again revives tales of the Church of England's treatment during the Interregnum. At one point, Conformist regales Nonconformist with the misdeeds of the various sequestrations carried out by the and the Acts that commissioned them, particularly one against royalists whose estates had been sequestered, which stated that "Delinquents must be removed from London and Westminster, and confined within Five Miles of their own Dwelling." L'Estrange only makes a fleeting reference to the idea of tolerating Catholics in the second edition, unsurprisingly given the sensitivity of the subject. In a chapter "Toleration Undermines the Law and Causes Confusion in Both Church and State," Non-Conformist asks why toleration wouldn't work in England as well as it has in France, and Conformist responds by asking whether he would "have his

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[100] *Toleration Discuss'd…the Second Edition* (London: Henry Brome, 1673) Wing L1317, pp. 82-84, 86-87.

Majesty of Great-Britain tolerate Roman Catholicks here, as his Most Christian Majesty of France does Protestants in France?" When Nonconformity protests that he is making it sound as if only Catholics were to be tolerated, Conformity replies that if the toleration is on the French model, then that will be the case, as there is no other parallel to draw with the English situation: "Can you show me that any Non-Conforming Roman Catholicks are tolerated there? Nay; or that those of the Religion do Subdivide, or break Communion amongst themselves? Such an Instance might stand you in some Stead." L'Estrange sometimes used foreign examples of Protestant religious practice in debate largely to bludgeon his opponents, and this is a good example of his technique. What complicates this is his stance towards Catholics: he would come late in his career to endorse certain proposals for a reunion of Christians which would include Roman Catholics, along the outlines sketched by James I earlier in the century. And when discussing which party is the father of "king killing" doctrines, L'Estrange admits that "Jesuits" are the progenitors of the idea but that the "Disciple should speak Reverently of his Master," because a "Jesuit's Cloak fits exceedingly well on the shoulders of a Presbyterian." L'Estrange conflated the word Presbyterian with king killing throughout the second part of the second edition, and Presbyterians with Jesuits, and so contributed to the century long devaluation of the term "popery," but more immediately of reducing all opposition to the king to the persona of a generalized Nonconformity.[101]

The proliferation of terms describing the perversion of office went hand in hand with the inflation and generalization of the term "tyranny," which Condren has perceived

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[101] *Toleration…Second Edition*, pp. 126, 37-38, 308-09. For an example of how L'Estrange lumps all opposition to Charles I under the label of "Presbyterians," see pp.275-76; Condren, *Argument and Authority*, pp. 322-24.

occurring after the Revolution of 1688, though one suspects this begins in the 1670s, after Charles II's attempt at prerogative toleration was rebuffed.[102] The intriguing thing about this phenomenon is the generalizing of political invective that Restoration pamphleteers like L'Estrange brought about: once the charge of popery could be cast so widely that it could encompass virtually every party in the Church of England, those Protestants outside of it, as well as adherents to the Church of Rome, it became difficult to say who was a papist and who wasn't, even within the relatively small confines of Restoration London. Just so, identifying who was and who was not a loyal subject was difficult as well, as printed invective made "loyalism" a generic totem as well. One can see in this the value of print in reshaping conventional understandings of what these types of identity terms meant. It also shows how L'Estrange's attempts to shape public opinion are bound up with his attempts to project his own persona into public discourse, since the very means he used to destroy his enemies opened up his own identity to attack as well: his espousal of passive obedience, his personal ties to Catholics, and the tensions between his loyalty to the monarchy on the one hand and to the church on the other, ensured that he too could be branded as a papist, despite there being little evidence that it was true.

*Toleration Discuss'd* was a good indication of both the hardening but also the generalizing of L'Estrange's message and style as a pamphleteer. The monotonous consistency with which he painted his opponents as people whose doctrines issued in king killing and anarchy, coupled with his rather idiosyncratic style, would become one of his hallmarks, and would come to fruition in the late 1670s and early 1680s, especially in his *Observator*, and cement his reputation as a vicious opponent of religious liberty

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[102] Condren, *Argument and Authority*, p. 326.

and more sympathetic figures such as Richard Baxter. L'Estrange spent a good portion of his writings blackening his opponents on the issue of religion (or feigned religion, as he would have it), and so much of what he has written is some ways mere vitriol; one cannot deny this. But this chapter has shown that behind this avalanche of vituperation lay real concerns about what he considered to be the best form of religion for his country, as well as more general and tacit beliefs about order, duty and government which he shared with his contemporaries. The chapter has also shown how fundamental the tensions involved in such beliefs could be for L'Estrange, whose commitments to the divine nature of monarchy and episcopacy meant he trod a fine line when discussing the nature of the Church. This perhaps contributed partly to the vehemence with which he pursued his enemies, which must have been a more straightforward endeavor than trying to scrupulously reconcile the various aspects of his persona that his conception of his duties as a subject and a Christian lead him into. This chapter has argued that the fragility of the newly restored monarchy and the dependence of the recently restored Church of England both contributed to his violent characterization of their enemies in print, and that this should be seen as part and parcel of a tacitly assumed dimension of the office of subject as he understood it, which, despite his espousal of passive obedience, he makes sound like a rather energetic position, of someone actively obeying the monarch while browbeating his enemies as a pamphleteer or finder of seditious books—even when this went against the express wishes of his king.

# CHAPTER IV
# CENSORSHIP AS CONSCIENCE, 1662-1678

This chapter investigates L'Estrange's career in the two government posts he occupied during most of his career, that of a licenser of books, and Surveyor of the Press, the office he himself invented. It will first discuss the legal background concerning press regulation in the seventeenth century, then turn to a discussion of L'Estrange's ideals for suppressing sedition, as expressed in his outline for the office of Surveyor. Lastly, it will examine his efforts to suppress unlawful printing from the early 1660s to the late 1670s. The primary argument of this chapter is that presuppositions of office that shaped L'Estrange's perception of his duty to suppress seditious literature, but also that ideals of conscience did so as well. It will show that that conscience as an idea of moral regulation was not exclusively a characteristic of private individuals, and that it was possible for contemporaries to see government itself as having possessed a public "conscience." Finally, it will show that, because of the informal nature of seventeenth century governments, agents such as L'Estrange could appropriate the language of conscience for their own purposes, even when he lacked a post in government, in a way that made the articulation of stable distinctions between public and private difficult, if not impossible.

## I. The Idea of Public Conscience in the Seventeenth Century

In 1680 the Baptist Francis Smith, a Restoration pamphleteer and bookseller, was browbeaten by Judge Sir George Jeffreys after his acquittal by a Whig jury, and he claimed Jeffreys became enraged "because I would not follow his *Dictates* against *Law, and Reason,* and my Own Conscience," and that Jeffreys likewise vilified the jury that

"could not in their Conscience bring it in any otherwise than *Ignoramus*."[1] Smith particularly emphasized that the jury which acquitted him was merely performing the duty which by oath they were bound to perform. In his narrative of his sufferings at the hands of Sir George Jeffreys, Smith constantly adverts to his conscience in defying the authorities; in his dedication to the members of the jury (whom he listed individually by name) he thanked them for not responding to threats but only to "*the true Judgment of your Own Consciences*." Moreover, the indictment charged Smith with printing a book critical of the Mayor, Alderman and Sheriffs of London, which intended "to Disturb, Discord Differences, and Ill Will, Amongst the Citizens, and Inhabitants of the City of London." Smith's account presented himself as a "poor *Protestant Member* of this Languishing Nation," and a dutiful citizen concerned with the "Debauchery" of the expenses of the Sheriffs, which he calls a "Sin before God."[2] Attached to the account of his acquittal is a narrative which recounts his suffering at the hands of government press agents from the Restoration onwards: he was constantly imprisoned, and his business interrupted, often at the instigation of Roger L'Estrange.[3]

Modern historians are rightly apt to sympathize with Smith and others who suffered such depredations at the hands of L'Estrange, but his account is important for other reasons. It evidences the connection between religious Dissent and the press, but also shows Smith to have been appealing to his status as citizen in terms office, as a response to the charge that he was sowing discord among the citizens of London. But

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[1] Francis Smith, *An Account of the Injurious Proceedings of Sir George Jeffreys, Knt, late Recorder of London, against Francis Smith, Bookseller* (London: Francis Smith, 1680) Wing A300, pp. 4, 7.
[2] Smith, *An Account*, pp. 2-3; Dedication to the Earl of Shaftesbury; Dedication to the Jury.
[3] Smith, *An Account*, pp. 10-11.

more importantly, he appeals to his conscience in order to justify his printing of a pamphlet against the government. Roger L'Estrange also thought of his work suppressing pamphlets in the same way that Smith thought about publishing them, in terms of conscience; what is more, some contemporaries actually believed that the government itself had a conscience as well—a public conscience, one that was meant to shape the conscience of its subjects.

David Jones has argued that post-Reformation English governments used oaths in a peculiar way to bind the consciences of their subjects: they demanded obedience in conscience from their subjects, something they had not done previously. Prior to this, oaths had been a matter of honor and faith, but not of conscience; Henry VIII's government, lacking an effective army or vast enough bureaucracy to enforce its will on its subjects in religious matters, as in Spain or France, turned to the use of oaths to bind his subjects to his state-sponsored Reformation. Common law lawyers, such as Christopher St. Germain, helped to enshrine this claim into English legal thinking by conflating the common law with the law of nature in their writings, such that the courts of equity, the Star Chamber, the Court of High Commission and especially the Court of Chancery, became in effect the conscience of the government in the 1530s, as equity came to mean mitigating of the law on the basis of the principles of natural law inherent in English common law.[4] The idea that the conscience of a judge could mitigate the force of law was known from the middle ages in canon and civil law, and helped shape the idea

[4] Jones, *Conscience and Allegiance*, pp. 38-44. The earliest Chancellors were often Catholic clergymen, some of whom were royal confessors, literally the keeper of the king's conscience: Sarah Worthington, *Equity*, 2nd ed. (Oxford; New York: Oxford UP, 2006), pp. 8, 10-11.

of equity within English common law in the late fifteenth and early sixteenth centuries.[5] The idea of conscience prevailing in seventeenth century England was also of medieval origin, the previous chapter demonstrated: Aquinas called conscience "knowledge applied to an individual case," meaning natural knowledge or understanding of moral principles, and this scholastic definition continued to characterize the understanding of conscience for the most part unchanged even after the Reformation.[6] Thus when Thomas Smith wrote in his *De Republica Anglorum* that "the Court of Chancery is called of the common people the court of conscience, because that the chancellor is not strained by rigour or forms of words of law to judge but *ex aequo* and *bono*, and according to

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[5] Richard M. Fraher, "Conviction According to Conscience: The Medieval Jurists Debate Judicial Discretion and the Law of Proof," *Law and History Review*, Vol. 7, No. 1, (Spring 1989), pp. 23-88; Worthington, *Equity*, pp. 10-11; Mike McNair, "Equity and Conscience" *Oxford Journal of Legal Studies*, Vol. 27, No. 4, (Winter 2007), pp.668; Louis A. Knafla, "Conscience in the English Common Law Tradition," *The University of Toronto Law Journal*, Vol. 26, No.1, (Winter, 1976), pp. 5-6. Mike McNair points out that juries in the middle ages were expected to render verdicts "according to conscience," and that this became in the 16th and 17th centuries a justification for the sort of "jury nullification" such as in the case of Francis Smith cited above, "Equity and Conscience," pp. 674-75.

[6] Thomas Aquinas, *Summa Theologiae* (New York: Benzinger Bros., 1948; reprinted Westminster, MD; Christian Classics, 1981), Part I. Q. LXXIX, article 12, p. 407. For a more detailed examination of scholastic ideas of conscience, see Michael G. Baylor, *Action and Person: Conscience in Late Scholasticism and the Young Luther* (Leiden: E.J. Brill, 1977), pp. 20-69, 70-118. Despite some significant differences, the basic conception of the conscience as an act of practical reason remained the same in the late scholastics, according to Baylor, and that Luther's conception of conscience, though also different in important respects, was also in continuity with the scholastic definition, pp. 76-90, 92-106, 251-53. On the conscience in England see David Jones, *Conscience and Allegiance*, pp. 75-98; Spurr, "The Strongest Bond of Conscience,'" pp. 151-53; Condren, *Argument and Authority*, pp. 130-135; Jonathan Wright, "The World's Worst Worm: Conscience and Conformity during the English Reformation," *The Sixteenth Century Journal*, Vol. 30, no. 1, (Spring, 1999), pp. 119-120; Greene, "Synderesis," pp. 207-219. Knafla, "Conscience in the English Common Law," p. 6, says that there was no systematic attempt to relate the term conscience to other concepts such as "legal reason" till the end of the 16th century, and the idea of conscience underwent very little change from its scholastic sources according to his description.

conscience," and later Coke in his *Institutes* would say of the court of Star Chamber that "this court, the right institution and the ancient orders thereof being observed, doth keep all England in quiet," much as one might describe the conscience keeping quiet in the soul, they were expressing what had become common wisdom.[7]

The idea that the conscience in some way mediated natural principles of right and wrong and that judges were expected to act on conscience rather than the strict rule of law characterized those courts, especially Chancery, which were seen as extensions in some ways then of the king's conscience as the fount of law. This probably explains why most of the people who articulated the idea of a "public conscience" were either royalists or lawyers; such was the case with the Lord Chancellor, Heneage Finch, who presided over the chancery from 1673 to 1682, and who tried to distinguish between a "*conscientia politica et civilis et conscientia naturalis et interna*," the latter being mostly off limits to the Court and the former being "tied to certain measures."[8] If Jones is correct about the nature of English oaths in the period, then such an idea of public conscience becomes much more explicable. But such an appeal to a law of nature as applied by one's conscience could also be used by private citizens, like Francis Smith, especially when, as with Smith and so many others, there were differences of belief

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[7] Thomas Smith, *De Republica Anglorum* (London: 1583), pp. 70-71, quoted in Geoffrey Elton, *The Tudor Constitution* (Cambridge: Cambridge UP, 1982), p. 158. The same idea that conscience was supposed to mitigate the severity of the law continued on in Germany after the Reformation as well. See Harold Berman, "Conscience and Law: the Lutheran Reformation and the Western Legal Tradition," *Journal of Law and Religion*, Vol. 5, No. 1, (1987), pp. 193-4, 197-202.

[8] Heneage Finch, *Prolegomena of Chancery and Equity*, ed. D.C. Yale (Cambridge, 1965; reprinted, Holmes Beach, FL: W.W. Gaunt & Sons, 1986), p. 377, quoted in Dennis R. Klink, "Lord Nottingham and the Conscience of Equity," *Journal of the History of Ideas*, Vol. 67, No. 1, (Jan. 2006), p. 125. Klink notes that writers on conscience in the early seventeenth century often expressed a connection between their concerns and the Court of Chancery, pp. 126-27, n. 18.

(usually religious at their core) about what one's duties amounted to. That so much of political debate in the seventeenth century was conducted in the language of casuistry indicates how disputed the idea of conscience was but also how prevalent its continued influence was on public discourse throughout the century.[9] This is perhaps why, with regard to the issue of equity, Thomas Hobbes wanted to reduce the meaning of equity to the king's command, as expressed through the court of Chancery, in order to curb the more subversive types of appeal to conscience.[10] It is at least plausible that this idea of conscience had some residual effect on the efforts to regulate the press in this period.

That such metaphors as judge or a court were used to describe the conscience suggests that it too was capable of being described in terms of office, as the application of natural law to individual cases could be thought of as the office of the conscience.[11] This habit of referring to the Chancery as a court of "conscience" perhaps facilitated this transfer of metaphor to conscience. The idea that the government had a conscience must have seemed fitting for men like L'Estrange, who were attempting to quell appeals to conscience or religion that justified violently opposing the government. This is what is behind his assertion in *Toleration Discuss'd* that there needed to be an "Unaccountable

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[9] Edward Vallance, "The Kingdom's Case: The Use of Casuistry as a Political Language, 1640-1692," *Albion: A Quarterly Journal Concerned with British Studies*, Vol. 34, No. 4, (Winter, 2002), pp. 557-583; George L. Mosse, "Puritan Political Thought and the "Cases of Conscience,"" *Church History*, Vol. 23, No. 2, (Jun. 1954), pp. 109-118; Condren, *Argument and Authority*, chapter 8.

[10] Sharon K. Dobbins, "Equity: the Court of Conscience or the King's Command, the Dialogues of St. Germain Hobbes Compared," *Journal of Law and Religion*, Vol. 9, No. 1, (1991), pp. 144, 149; Condren, *Argument and Authority*, pp. 134, 205. Interestingly, Hobbes wrote that the laws of nature still bind the conscience "*in foro interno*" but not "*in forno externo*," because one could not always count on being able to maintain one's self-preservation, since this would make him a prey to others, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge UP, 1996), p. 110.

[11] Condren, *Argument and Authority*, p.132.

Judge" to decided controversies, and his talk of the "double conscience" of the king: everyone had to submit to a common judge, or else everyone would be their own judge of difficult cases. He would have agreed with Hobbes that for "him that lives in a Common-wealth…the Law is the publique Conscience, by which he hath undertaken to be guided."[12] One need not assume that L'Estrange thought in these terms as he attempted to stifle the press, nor could one prove that he proceeded in his work with such intentions. But the fact that such arguments could be put forward at all indicates another crucial difference between the way in which L'Estrange and his contemporaries distinguished between public and private realms and the way in which people in modern societies do. Contemporary Western European governments do not make claims to be able to direct the consciences of private individuals; they might do so or attempt to do something like that in *practice*, but never would they claim a right to do so in theory. This was the case in seventeenth century England, and knowing this helps us understand how L'Estrange was able to perform offices that contemporary Americans or Europeans would find completely unjustifiable, especially with such an overbearing sense of moral rectitude.

**II. The Eye of Government: Press Regulation in the Seventeenth Century**

In fact, there was some affinity between the idea of conscience as a monitor of the soul and the practice and ideals of censorship in seventeenth century England, even if contemporaries hardly ever made explicit connections between them. The legal restrictions on publishing in early modern England were a mixture of pre-publication licensing designed to protect the monopoly of those in the printing trade, and the prosecution of books printed without government privilege in order to protect the

[12] L'Estrange, *Toleration Dicuss'd*, p. 83; Hobbes, *Leviathan*, p. 223.

publisher's property rights. There really was nothing like a self-conscious program or system of censorship on the part of Tudor and Jacobean governments; rather, regulating print was one task of the law as it stood, and so law regarding printing was largely produced ad hoc through individual cases, as the common law itself was. Monarchs would sometimes issue proclamations against the printed word, usually if some book offended them, while the Privy Council also sometimes intervened on the crown's behalf to stay the printing of books occasionally. Parliamentary statutes dealing with libel, or what was called *scandalum magnatum*, had existed since the Middle Ages, to punish attacks against the monarch, and in the reign of Mary other statutes were added to these to include the printed word. Parliament also passed statutes after the Reformation to safeguard the Church of England, first against Tyndale's translation of the bible; later, after the Gunpowder Plot, Parliament passed a statue which made any attempt by word or deed treasonable which sought to "reconcile the king's subjects to the Pope or See of Rome."[13]

The Stationers' Company also played a role in regulating the press. Essentially the main guild of printers in London, the Company was chartered by the Crown in 1557, which granted it a monopoly on printing at that time, allowing it to keep apprentices, and generally regulate itself. The courts of conscience only became involved with the regulating of the printing press with the Star Chamber decree of 1586, which engaged them for the first time in the business of regulating printing. The decree of 1586 stipulated that cases involving the Stationers' Company were to be brought before the court of High Commission, while pre-publication licensing would be handled by the

[13] Cyndia Clegg, *Press Censorship in Caroline England* (Cambridge: Cambridge UP, 2008), pp. 20-22, 29.

Archbishop of Canterbury and his assistants overseeing the London book trade. The decree also reaffirmed the Stationers' Company's role in regulating print. It confirmed the Company's jurisdiction over its own members, including the right to search printing houses for any unauthorized copies that had not been enrolled with the company, which it had been granted previously, and stipulated that anyone involved in the trade had to register with the Company. Thus in return for the monopoly of the trade, the Stationers allowed it to be more easily regulated by concentrating (or attempting to concentrate) all printing within the Stationers Company and hence in London (save for the University Presses). The growth of the printing trade in the late sixteenth and early seventeenth century began to change its relationship with the crown, however, as the number of freemen associated with the Company began to grow, and so illegal printing became an irresistible temptation to poorer members of the company.[14]

This was especially so in the early seventeenth century because of religious changes which were taking place during the period, as many of the unemployed members could find extra work printing unlicensed religious books—not to mention the fact that the Stationers often sympathized with the opponents of Charles I's religious policy. The Court of High Commission and the Star Chamber's involvement in the press originally related only to printing of religious texts, but as Cyndia Clegg relates, it was the printing of religious texts at odds with the religious program of Charles I's government in the 1620s and 1630s during his attempts to rule without calling Parliament that altered the way the press was regulated. This prompted his government to expand the involvement

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[14] Cyndia Clegg, *Press Censorship in Caroline England*, pp. 8-9, 41; "A Decree of Star Chamber Concerning Printers, 1586" *The Tudor Constitution*, pp. 183-93; Cyprian Blagden, *The Stationers' Company: A History, 1403-1959* (Cambridge, MA: Harvard UP, 1960), pp. 31, 70-74.

of those courts in ways which differed sharply from the practice of the Elizabethan and Jacobean periods.[15]

The break from earlier practice came with the Star Chamber decree of 1637, prompted by the case of William Prynne, the Presbyterian writer and Parliamentarian who had published a work critical of the monarchy. The decree did not introduce new practices in terms of searching out of illegally printed books, but according to Clegg it did make two notable changes. First, it put regulatory oversight directly in the hands of the Archbishop of Canterbury, the Courts of High Commission and Star Chamber, by allowing the Archbishop or the bishop of London to appoint "any two licensed Master-Printers" to search out unlicensed printing presses, bypassing the Stationers; second, it was much more particular in the types of materials it sought to censor, namely to ensure there "is nothing in the Booke or Books contained that is contrary to the Doctrine and Discipline of the Church of England, nor against the State or Government"; lastly, it provided for much more specific and stiffer penalties for setting up an illegal press, namely pillorying and whipping, the normal penalties for libel and slander.[16] These changes are significant in that they strengthened the severity of the law rather than moderated it, and so cut against the very feature that had made lawyers such as Coke recommend courts like the Star Chamber in the first place: their ability to moderate the strict letter of the law by the conscience of the presiding judge. The decree's mandate of pillorying and whipping for setting up unlicensed presses and its granting of greater oversight of the trade to the Archbishop of Canterbury and the Courts of High

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[15] Cyprian Blagden, *The Stationers' Company*, pp. 118-125; Cyndia Clegg, *Press Censorship in Caroline England*, pp. 23-24, 29, 46-48, 198-99.
[16] Clegg, *Censorship in Caroline England*, pp. 201, 204; *A Decree of Starre Chamber, Concerning Printing* (London: Robert Barker, 1637) Short Title Catalogue 7577, C1, G3.

Commission and Star Chamber follow one another (24 & 25) in the decree, and the item granting this strengthened power to those courts stated its purpose was for "the better discovery of printing in Corners without license," perhaps echoing the language of the all seeing eye.[17] The mixture of prohibiting religious works, increased punishment, and oversight by the Archbishop indicates that suppressing these texts was an act of "public" conscience, since Laud and the King saw it as their duty to police the doctrinal orthodoxy of the Church of England. The greater scrutiny of what had been up till then unobjectionable works about religion combined with more frequent use of the High Commission and Star Chamber provoked much of the fury against Charles I and his archbishop.

That the adversaries of the Caroline regime also saw the need for censorship became clear soon after the civil war began, though their efforts were not so specifically directed against religious texts. Parliament abolished the Courts of Star Chamber and High Commission in 1641, and so assumed the role of policing religious orthodoxy from the king, Parliament being a sort of high court in its own right, just as the king was often depicted metaphorically as a judge. Soon after it had abolished those older courts, Parliament was inundated with pamphlets attacking its conduct of affairs, so it created a committee to oversee the regulation of printing. While it was still considering a bill to regulate it, Parliament issued a declaration of both houses against "irregular printing" aimed at muffling criticism of Parliament; in June of 1643 Parliament passed an ordinance reestablishing the government's partnership with the Stationers Company and

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[17] *A Decree of Starre Chamber*, F3, G3. Condren, *Argument and Authority*, pp. 132; Richard Kay "Dante's Empyrean and the Eye of God," pp. 37-40; Robert A. Greene, "Synderesis, the Spark of Conscience, in the English Renaissance," pp. 196-97, 209-13; John N. King, *Milton and Religious Controversy*, ch. 6.

its monopoly of published books in order to suppress "scandalous, seditious, libelous and unlicensed Papers, Pamphlets, and Books, to the great Defamation of Religion and government."[18] Parliament issued another ordinance against unlicensed printing in 1647 which put enforcement of the ordinance in the hands of the "respective Members of the Committees of the Militia of London, Middlesex, Surrey, and all Majors and other Head Officers of Corporations, and all Justices of the Peace of several counties."[19] After Pride's Purge and the execution of the king, the army took charge of press regulation in 1649. General Thomas Fairfax issued orders for the enforcement of all ordinances passed by Parliament since 1643, and later in 1649 a purged Parliament passed another act regulating the press. This act was aimed in primarily at royalist pamphleteers, and according to Jason McElligot was largely successful in targeting them; it made a point of punishing those who set up "the multitude of Printing houses, and Presses erected in by places and corners, out of the eye of Government," using the same language of the "eye" and prescribing many of the same penalties as the Star Chamber decree of 1637.[20] The act expired in 1651 but was revived with modifications in 1653, namely that the Council

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[18] *A Declaration of the Lords and Commons Assembled... A Speciall Order of Both Houses Concerning Irregular Printing, and for the suppressing of all false and Scandalous Pamphlets* (London: John Wright, 1642) Wing E1467, A3-A5; *An Order of the Lords and Commons Assembled in Parliament for the Regulating of Printing* (London: John Wright,1643) E1711, A2; Frederick Siebert, *Freedom of the Press in England, 1476-1776* (Urbana, IL: U. of Illinois Press, 1965), pp. 179-82.

[19] *An Ordinance of Parliament Against Unlicensed or Scandalous Pamphlets and for the better regulation of printing* (London: 30. Sept. 1647), Wing E1802, p. 5.

[20] *A Warrant of Lord Fairfax… Concerning the Regulating of Printing Scandalous Pamphlets* (London: John Macock, Jan. 9 1649) Wing F253; *An Act Against Unlicensed and Scandalous Books or Pamphlets, And for better Regulating of Printing* (London: John Field for Edward Husband, Sept. 20, 1649) Wing E971, p. 539; Jason McElliot, *Royalism Print and Censorship in Revolutionary England* (Woodbridge, UK: The Boydell Press, 2007), pp. 151-53; Siebert, *Freedom of the Press in England*, pp. 222-24. Siebert said that the 1649 act was "the most detailed list of regulations for the press of the entire seventeenth century," p. 222.

of State now played the role that the Star Chamber had once played, as a sort of court of appeal in matters of the press; the act was superseded by Cromwell's orders for restraining the press in 1655.[21]

With the collapse of the republican regime in 1659, effective censorship of the press ceased and was not immediately restored by the Restoration government, so much so that professor Hutton observed that "nothing else demonstrates with such force the ramshackle nature of the restored monarchy," the very state of affairs which led L'Estrange to venture out on his own as an informal government agent in 1661.[22] Eventually, the Cavalier Parliament finally got around to addressing the issue, as streams of pamphlets aimed at the newly restored and somewhat fragile monarchy kept appearing. The Licensing Act of 1662 restored the pre-publication licensing regime that had existed before the Restoration, this time vested in the Secretary of State, and reiterated much previous legislation, making illegal "any heretical seditious schismatical or offensive Bookes or Pamphlets wherein any Doctrine or Opinion shall be asserted or maintained which is contrary to the Christian Faith or the Doctrine or Discipline of the Church of England" or which would be to the "scandall of Religion or the Church or the Government or Governors of the Church, State or Common wealth or of any Corporation or particular person or persons whatsoever." It granted a general search warrant, also called a writ of assistance, to the Secretaries of State or their deputies to search for unlicensed books, which ultimately formed the legal basis for L'Estrange's subsequent

[21] Siebert, *Freedom of the Press in England*, pp. 228-33.
[22] Hutton, *The Restoration*, p. 174.

activities as Surveyor.[23] It also forbade any "private person or persons whatsoever" to print a book without first registering it with the Stationers Company.[24] It reestablished the Stationers' right to search for books printed without a license, but also to pass on those books which they "shall suspect to contain matters therein contrary to the doctrine or discipline of the Church of England, or against the state and government," and turn the books over the bishop of London, archbishop of Canterbury, or one of the secretaries of State.[25] These and other clauses indicate the Cavalier reversion to something like the direct targeting of religious texts undertaken by Charles I in the Star Chamber decree of 1637. One clause in the Act stipulated that haberdashers or other shopkeepers could not sell books without the license of the local bishop, singling out grammar school books, and other school books, in addition to "any Bibles, Testaments, Psalm books [or] Common Prayer books."[26]

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[23] The device of a general warrant, which gave the person empowered by it very broad search powers, was vigorously contested from the late 1660s onwards but which survived into the eighteenth. It was introduced into the American colonies in the 1760s, and contributed to the conflict between the British Crown and the colonies. Such warrants are specifically forbidden by the fourth amendment to the U.S. Constitution. See Philip Hamburger, "The Development of the Law of Seditious Libel and the Control of the Press," *Stanford Law Review*, Vol. 37, No. 3, (Feb., 1985), pp. 721-22; George G. Wolkins, "Writs of Assistance in England," *Proceedings of the Massachusetts Historical Society*, Third Series, Vol. 66, (Oct. 1936-May, 1941), pp. 357-364; Emily Hickman, "Colonial Writs of Assistance," *The New England Quarterly*, Vol. 5, No. 1, (Jan. 1932), pp. 83-104; Kitchin, *Sir Roger L'Estrange*, pp. 96-97, 103-107, 185.

[24] 'Charles II, 1662: An Act for preventing the frequent Abuses in printing seditious treasonable and unlicensed Bookes and Pamphlets and for regulating of Printing and Printing Presses.', *Statutes of the Realm*: volume 5: 1628-80 (1819), pp. 428-435. URL: http://www.british-history.ac.uk/report.aspx?compid=47336 Date accessed: 24 September 2009.

[25] 'Charles II, 1662: An Act for… regulating of Printing and Printing Presses.', *Statutes of the Realm*, section XIV.

[26] 'Charles II, 1662: An Act for… regulating of Printing and Printing Presses.', *Statutes of the Realm*, section VII.

The drafters of this legislation clearly had printed religious texts in mind when they crafted it, but one should not infer that printing was necessarily their only target with regards to "sedition." In 1661 they had passed an "Act for the Preservation of His Majesty's Person and Government" in which anyone that "shall maliciously and advisedly publish or affirm the king to be an heretic or a papist, or that he endeavours to introduce popery…by writing, printing, preaching or other speaking express, publish, utter or declare any words, sentences or other thing" to incite popular disdain for the monarchy, was to be deprived of their public office and "punishments by the common laws or statutes of the realm may be inflicted in such cases."[27] Printing was of paramount importance, but one ought to remember that the press was important because it influenced opinion, and not because its output was identical with such opinion. As the list of targets in the first few acts of the Cavalier Parliament indicated, it might taken oral or manuscript forms, and English law had several ways of punishing "sedition" in all its forms, nor was their any special jurisdiction that dealt with print; it was not until the eighteenth century that prosecutions for seditious libel became the primary means for punishing printed criticism of the government.[28] L'Estrange at a later date would argue that at law the definition of "libels should include Manuscripts, which are more mischievous than prints; for they are commonly so bitter and dangerous that not one in forty ever comes to the press, though, by the help of transcripts, they are well nigh as

[27] "An Act for the Preservation of His Majesty's Person and Government Against Treasonable and Seditious Practices and Attempts," *English Historical Documents*, 64.
[28] Phillip Hamburger, "Law of Seditious Libel," pp. 661-765.

public."[29] As his comment suggests, the very openness of printed texts, of their ability to be seen and disseminated, might actually inhibit some authors from fully revealing their beliefs—hence any open declaration, whether written, printed or spoken, against the king or government, could be construed as treasonous or seditious, despite what might seem to us as the personal or private nature of speech.

L'Estrange, at least, did not hold there to be a clear distinction between speech (private) and the printed word (public) when assessing what might count as a threat to public order. Thus government's "conscience" had to seek out sedition wherever it could be found, in whatever form it took, even if print was becoming the primary vehicle for its spread. Thus once Charles II and his ministers were convinced there was a need for it, they would grant appropriately broad powers to L'Estrange in efforts to suppress it. The history of the English government's efforts to regulate the press and censor seditious writings in the Restoration suggests the idea of a public conscience; if nothing else, L'Estrange certainly saw his own efforts in this regard as being acts of his own conscience. He believed, as many did, that when it came to Dissenting religious opinions, "the Question is not, What your Conscience *IS*, but what it *OUGHT* to be," and that the government had a duty to shape what the subject's conscience should be.

**II. "An Honest and a Necessary Office": L'Estrange's Ideal of Censorship**

There was a continuity running through the various attempts to control the press prior to 1662, and as in other areas, both the Cavalier Parliament and the king were looking back to older forms to accomplish such control. The government finally

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[29] *Reports of the Royal Commission on Historical Manuscripts* (London: Eyre & Spottiswood for H.M.S.O., 1883), hereafter *HMC*, Appendix to 9th Report II, p. 66, no. 296 (b), November 8, 1675.

recognized L'Estrange's usefulness in this capacity and made him a licenser of books in 1662, but L'Estrange thought this wasn't enough; he had a more preemptive plan in mind to stifle the press. In 1663, L'Estrange published his *Considerations and Proposals in Order to the Regulation of the Press*, apparently at the request of the Secretary of State Henry Bennet, as a sort of audition for the office which he basically created himself, and was created Surveyor of the Press in August of 1663. What his actual duties amounted to will be detailed, but his work merits examination, as it outlines how L'Estrange thought about controlling the press in a more abstract way.

In the dedication to the King, L'Estrange wrote that he published his proposals because "my *Duty* will have it Thus," and that he would continue to "*Discover* to Your *Majesty*" the plots against his life that he believed were afoot, an action that was "a *Duty* which I owe both to *God*, and to my *Sovereign*."[30] He appealed to the fears about religiously inspired violence, writing that "*Scarce any one* Regicide or Traytor *has been brought to* Publique Justice, *since Your Majesties Blessed Return*, *whom either the Pulpit hath not* Canonized *for a* Saint, or the Press Recommended for a Patriot, and Martyr." *Considerations and Proposals* was published in June of 1663, two years after Venner's Rebellion, and just a few months before another abortive rising in the north of England. L'Estrange presented the situation as a Ciceronian state of emergency, which required "what I take to be an *Honest* and a *Necessary Office*," the discovery and suppression of seditious pamphlets, particularly the suppression of printed sermons by ministers ejected by the Act of Uniformity, of which he claimed there were some "near *Thirty Thousand Copies* of *Farewel Sermons*" in print, along with nearly a hundred other pamphlets

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[30] *Considerations and Proposals in Order to the Regulation of the Press* (London: Henry Brome, 1663) Wing L1229, "To the King's Most Excellent Majesty," A1, A3.

"against *Bishops, Ceremonies*, and *Common Prayer*: in many of which, your Majesty is *Directly*, and in All of them *Implicitly*, *Charg'd* with an inclination to *Popery*."[31] He made this argument explicit in the close of his dedication to Parliament, when he wrote that "this *Freedome*, and *Confidence*, in a *Private Person*" is justifiable, insofar as "the Question to *Me* seems *short*, and *easy*, *Whether it be Lawful, or not, for any Man that sees his Country in Danger, to Cry out TREASON*? and *Nothing Else* hath Extorted This *Singularity* of *Practice*, and *Address*."[32] L'Estrange invoked a shared ideal here, for as Condren points out, "in times of emergency, everyman becomes a public officer," and that the "religion and the soul…the 'private' person could evaporate into thin air."[33] Of course, for the enemies of the regime, the very Restoration of the monarchy itself could be said to have constituted a state of emergency, justifying their intended violence in their own minds, but for the moment L'Estrange's appeal was perfectly pitched to members of Parliament fears' of "fanatics."

His proposals for dealing with the press were similar to injunctions against the press before the Restoration, except for his antagonism towards the Stationers Company, which had traditionally worked with the government to regulate printing. L'Estrange knew the Stationers supported Nonconformist ministers both out of religious sympathy and self interest, since they profited by publishing unlicensed books. He advocated, as government had done since the 16th century, a reduction in the number of printers, in order to more easily regulate the trade. His main innovation was the office of Surveyor

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[31] *Considerations and Proposals*, "To the King's Most Excellent Majesty," A6, A4.
[32] *Considerations and Proposals,* "To the Lords and Commons Assembled in Parliament."
[33] Conal Condren, "The Office of Rule and the Rhetorics of Tyrannicide in Medieval and Early Modern Europe," p. 59.

itself. The printers and the Stationers Company were "to be Subjected to Some *Superior Officer*, that should over-look them *Both* on behalf of the *Publique*." He actually intended there to be six surveyors to "over-look" the press, one for books of law, three for books of "*Divinity, Physique*, or *Philosophy*," one for heraldry, and one for "*History, Politiques, State-Affairs*, and all other *Miscellanies* and *Treatises*." His recommendation for greater oversight by a new government office was predicated on his distrust of the Stationers and the printers, both of whom he says "under Colour of Offering a Service to the *Publique*, do Effectually but Design *One upon another*," and as he put it, "the *Question* is *Here*, how to *Prevent* a *Publique Mischief*, not how to *Promote* a *Private Trade*." The Stationers not only had profit motives to "divert them from their Duty" but also possessed "the *Means* of *Transgressing* with great *Privacy* and *Safety*"; it was foolish to "*Reward* the *Abusers* of the Press with the *Credit* of *Superintending* it."[34] L'Estrange portrayed the Stationers as unreliable, factious—as "private" players, unconcerned with the "public" disturbance they were causing—while holding himself out (implicitly) as concerned only with public duty.

L'Estrange used language that suggests that he was thinking of this in terms of the government's "conscience." In insisting, for example, on especial punishment for authors of seditious pamphlets, he wrote "nothing can be too *Severe*, that stands with *Humanity* and *Conscience*." For him this meant punishing the offender openly: "The *Inward motive* to all *Publique* and *Honourable Actions* must be taken for granted, to be a Principle of *Loyalty*, and *Justice*: but the Question is here concerning *Outward Encouragements* to *This Particular Charge*," paralleling Heneage Finch's distinction

[34] *Considerations and Proposals*, pp. 28-9, 26-7, 24-25.

between the inward, natural conscience and the external political conscience of the state.[35] The list of offenses he identified to be punished certainly indicated he was thinking of pursuing "sins" as much as crimes: they included "*Blasphemy, Heresie, Schism, Treason, Sedition, Scandal, or Contempt of Authority*." As ever, Protestant Dissenters were foremost on his mind in terms of the press, and these with their appeals to conscience (think of the Quakers, for example) would have been most offensive to the "public conscience" of the king. Perhaps this is why he recommended that "*the Oath of One Credible Witness or More, before a Master of the Chancery, or a Justice of the Peace, serve for a Conviction*," with the accused being allowed to appeal to the Privy Council before the surveyor administered the oath. He does not explicitly appeal to the chancery courts as courts of "conscience," and adverts to Justices of the Peace as an alternative, but putting the case in the hands that court suggests he was thinking of it in those terms.[36]

The list of punishments he recommends for these offenses is in some ways even more revealing. He enumerated several types of punishments, namely, "*Death, Mutilation, Imprisonment, Banishment, Corporal Peyns, Disgrace, Pecuniary Mulcts*," and also elaborates specific instances of disgrace and pecuniary punishments. L'Estrange did not expand much on "Pecuniary mulcts," which basically meant fines and confiscations, but he was particularly effusive in naming the punishments of "disgrace" one could use, including "*Pillory, Stocks, Whipping, Carting, Stigmatizing, Disablement to bear Office, or Testimony. Publique Recantation…Disenfranchisement* (if Freemen) *Cashiering* (if Souldiers) *Degrading* (if Persons of Condition), Wearing some *Badge* of

[35] Klink, "Lord Nottingham," p. 137.
[36] *Considerations and Proposals*, p. 31.

*Infamy:* Condemnation to *Work*," nearly fifteen in all. Disgracing offenders was important to L'Estrange because his goal was not to "discipline" the offender in Michel Foucault's sense of the term,[37] to rehabilitate him or alter his psychology but to make a spectacle of him, to bring his offense to light. The authority of the crown had been had been publicly besmirched, and so therefore the offender had to be marked with the shame of punishment just as publicly. This is why he wished to punish those guilty of selling unlicensed pamphlets by forcing them "to wear some visible *Badge* or *Marque* of *Ignominy*, as a *Halter* instead of a *Hat-band*, one stocking *Blew* and another *Red;* a *Blew Bonnet* with a *Red T* or *S* upon it, to Denote the Crime to be either *Treason* or *Sedition*," a proposition he admitted "may seem *Phantastique* at first sight," but which would be effective because "*there are Many Men who had rather suffer any other Punishment than be made Publiquely Ridiculous*."[38] Just as the role of conscience was to make sinners mindful of their sins, so L'Estrange favored punishments that would brand the offender, and remind everyone else of the consequences of the offense.[39]

Linked to these punishments is a sense of the personae involved in the press. L'Estrange lists the most prominent offenders needing to be punished: "the *Grand Deliquents* are *Authors* or *Compilers,* (which I reckon as all One) the *Printers* and *Stationers*." It is these nefarious types that along with "the *Instruments* that Menage this Part of the Plot," the "*Ejected Ministers, Booksellers*, and Printers," that used the press to turn the "Regicide or Traytor" into "*a* Saint, or…a Patriot, and Martyr." He also recommends specific punishments for each party, for it is the Stationers and the printers

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[37] Michel Foucault, *Discipline and Punish: The Birth of the Prison*, trans. by Alan Sheridan (New York: Vintage, 1977), p. 32-34.
[38] *Considerations and Proposals*, pp. 26-33.
[39] Condren, *Argument and Authority*, p. 132.

whom he wishes to subject to the public humiliation of identifying dress.[40] All of these various actors had failed to fulfill the conventional expectations of their personae, to remain within their proper sphere as L'Estrange would put it, and all of his rage at their behavior had its corresponding positive register, as it was meant to defend the reputation and persona of the king. One should also point out that even though he focuses on printing, he is not concerned exclusively with the *printed* form of sedition against the king's person; when he says these authors are able to print their tracts with "*all the Advantages of a Pestilent, and Artificial Imposture*," he might have been suggesting the openness that the printed medium gives to such texts, the air of public importance that attaches to them as printed texts. But in the next breath he asks, curiously, that "*why a* Pamphlet *should be Allowed to Proclaim This Treason to the World, which but whispered in a Corner would certainly bring a* Man *to the Gallows, is not easily comprehended*."[41] L'Estrange did not think of printed works all that differently than spoken slander, but it might indicate he believed that his superiors did, seeing how he appeals to the punishment of slander, of spoken sedition, to justify the punishment of publishing pamphlets. The emphasis with L'Estrange was always on persons, not with the medium they used to spread sedition, even if in this case he was proposing to strike at the perpetrators through their printed works. He was not thinking in terms of a "print culture," but of the types of persons he saw as dangerous to the government, "private" persons without any legitimate office to justify their actions, in this case the publication of sermons by those who no longer held that position in the eyes of the government.

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[40] *Considerations and Proposals*, p. 32, "Dedication to the King," p. 4.
[41] *Considerations and Proposals*, p. 9.

Why his superiors wanted him to spell out a rationale for regulating the press is not clear. It is almost if, having decided to exert more control over the press, the government needed some reassurance that this was indeed the right course of action; L'Estrange, with his longstanding sense of grievance against Dissenting ministers and their printers, perhaps reassured his employers that repression was the right course of action, and by his zeal gave life to a regime of regulation that was otherwise never terribly effective. At any rate, L'Estrange's *Considerations* gives us some insight into how the language of conscience could be appropriated on behalf of the government during the Restoration, and in this lies much of the interest in his writings. Having argued that this conception of conscience informed L'Estrange's belief in the need to regulate the press, and for its connection with office, the remained of this chapter will continue with the narrative of his career. The remainder of this chapter will detail his career up to the time of the Popish Plot, setting them in the context of the major political events of the period.

**III. "To Redeem the Vulgar": the Struggle Against the Press, 1663-1678**

Whether or not he was thinking directly of acting as an agent of the state's conscience, L'Estrange certainly saw suppressing pamphlets as an act of personal conscience. As stated earlier, L'Estrange was only granted powers over political pamphlets, but he was given other venues for his office in addition to the legal powers to search out seditious pamphlets. One of his duties as Surveyor initially was publishing the government newspaper, which he did for three years before the task was given to someone else. The government was aware that it had to try and control how it was perceived, as had governments ever since the civil wars, and evidently thought

L'Estrange's zeal would serve them just as well in running a news book as it did in ferreting out sedition. If this was the case, they were certainly mistaken. L'Estrange was quite open about his intention to make the *Intelligencer* as dull as possible. He announced in the first issue that if the press was "in *Order*; the *People* in their right *Wits*," then "a *Publick Mercury* should never have *My Vote*; because I think it makes the *Multitude* too *Familiar* with the *Actions* and *Counsels* of their *Superiors*; too Pragmatical and *Censorious* and gives them, not only an *Itch*, but a *Colourable Right* and *License*, to be Meddling with the *Government*." But as noted earlier, he thought the times demonstrated the need for it; though he did not talk of threats to the king's life, it is clear he has this in mind, when he claims that there is nothing "which at *This Instant* more Imports his *Majesties Service*, and the *Publick*, then to *Redeem* the *Vulgar* from their *Former Mistakes*, and *Delusions*, and to *preserve* them from the *like* for *the time to come*."[42] Historians have long understood that this concern made L'Estrange a peculiarly bad newspaper man, since contemporaries complained about the sparseness of the news his news book contained. Pepys wrote in his diary on September 4 1663 that he "bought the first news books of L'Estrange's writing, he beginning this week; and makes, methinks, but a simple beginning." Robert Moray evidently thought L'Estrange wanted to "govern the kingdom by newesbooks." Contemporaries wanted news for different reasons, of course: Pepys was a civil servant, reliant upon such information for his duties with the government, and later on merchants would rely upon the *London Gazette* (the government newspaper that ultimately replaced L'Estrange's news book) for information during the Dutch wars, while some, as John Sommerville has noted, probably wanted

[42] *The Intelligencer* no. 1, August 31, 1663.

news simply for excitement.[43] Undoubtedly there were also some who wanted information to oppose the government with, and this type of "excitement" was L'Estrange's target: in the first issue he also insisted that in his capacity as editor that he was "totally Governed by an *honest*, and *Conscientious Reason*." He also took time to advertise for "the *second Branch* of my *Care* and *Duty*," promising monetary rewards for those who would aid him in the "*Survey* and *Inspection* of the *Press*" by giving information as to unlicensed books.[44] He evidently believed his work with the *Intelligencer* was basically part of his office as Surveyor of the Press, and not a separate office, but still thought it was his role to instruct the "Vulgar" in their duties to the king.

One group of people involved with the press which L'Estrange particularly wanted to "redeem" from their former mistakes was the "hawkers," those who went around London selling books and pamphlets. He had identified this group along with several others on the very first page of *Considerations and Proposals* as being the various "*Agents* for Publishing," which were "*Stitchers, Binders, Stationers, Hawkers, Mercury Women, Peddlers, Ballad-singers, Posts, Carryers, Hackney-Coach-Men, Boat-Men*, and *Mariners*." It was just such a variety of peoples that made the London book trade possible, and negotiating the various types of characters one dealt with was key both to regulating the press itself, as Adrian Johns has pointed out. But it also raised the problem of trust and credibility, an acute problem in a world which was, as I have argued, so relatively small and interpersonal. Hawkers and peddlers especially could make life miserable for the government: even in the early eighteenth century, the Whig writer John Oldmixon could still complain of "Hawkers and Ballad-Singers" whose "Crying and

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[43] Sommerville, *The News Revolution*, p. 62.
[44] *The Intelligencer* no. 1, August 31 1663.

Singing such *Stuff*, vile as it is, makes the Government familiar, and consequently contemptible to the People…the greatest Mischief arises from these small Papers, and their being nois'd about the Street: 'Tis the quickest and surest way *Sedition* has to take."[45] In the first issue of the *Intelligencer*, L'Estrange noted that the way booksellers sold their wares was to have hawkers "*Cry* and *Expose* it about the Streets," but declared this way of announcing his own publication unsound, because "under Countenance of that Imployment, is carried on the *Private Trade* of *Treasonous*, and *Seditious Libels* (nor, effectually, has any thing considerable been dispersed, against either the *Church* or *State*, without the *Aid*, and *Privity* of this sort of *People*." It is interesting that he followed this observation with his statement that only an "*honest*, and *Conscientious Reason*" motivated his publication of the news book.[46] On the one hand, one sees here how printing was, indeed, dependent on a range of skills and interpersonal relationships, and on the other, how L'Estrange's attempts to win them back to obedience, though futile, were rooted in an understanding that certain types of people were untrustworthy precisely because of the type of publicity they engaged in. Also worthy of note is the fact that he had to rely on many of these same booksellers as informants to do his work, in lieu of any paid body of servants to assist him, thus illustrating again the informal nature of the government's efforts at suppression of sedition.

The first few years of his appointment as Surveyor were in some ways the heyday of government repression of the press, and the *Intelligencer* was used mainly as an organ of propaganda, highlighting the trials of the primary conspirators in the abortive Northern

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[45] John Oldmixon, *The false steps of the ministry after the Revolution: shewing, that the lenity and moderation of that government, was the occasion of all the factions which have since endanger'd the constitution* (London: 1714) ESTC T18398, pp. 31-32.
[46] *The Intelligencer* no. 1, August 31, 1663.

rebellion of 1663, which according to professor Hutton evoked little interest among the rank and file in London, but plenty of interest among the gentry in the provinces. Even before that failed Northern Rising took place, L'Estrange had the *Intelligencer* produce testimony from the provinces about the "Phanatiques" who were "busy with their Prodigies and Prophesies" against the king, and found occasion to rejoice over the disgrace of Nonconformist ministers, or conversely the "repentance" of a minister who had signed the Solemn and Covenant, always a source of grievance for him.[47] L'Estrange gave copious attention to the rising itself in October and November of 1663, and to the trials that followed in its aftermath, from January to August of 1664, and he characteristically linked the planners of the rising with "the Dictate of many Printed Discourses lately scatter'd up and down the Kingdom."[48] Yet even during the reporting of the rising, L'Estrange still found time to interject his own affairs into the newspaper; on November 5 1663, he inserted a notice about a "Henry Eversden," who had tricked L'Estrange's printer into putting a notice for his book into the paper under a false title as a "Trick of the Booksellers…to Advance the Sale of the Coppy." Likewise, "private news" could supplement more traditional fare: a report from Westchester on November 7th says that "We have little Publique News here considered at Present," but that "for Private" news there was a trial at the local assizes, where a "Jury of Divers Knights and

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[47] *Intelligencer* no. 5, September 28, 1663, *17th & 18th Century Burney Collection Newspapers*, (Gale 2011, Gale, Cengage Learning) Gale Document Number Z2001379493; *Intelligence* no. 7, October 12, 1663, *Burney Collection*, GDN Z2001379497.

[48] *The Newes* no. 8, October 22, 1663, *Burney Collection*, GDN Z2001395004.

Gentleman, brought in a verdict for Lord *Brandon* against Mr. Fitton."[49] L'Estrange's mixing of the private and the official, of his own activities and grievances with foreign news is part of what distinguished L'Estrange's journalism from his successors at the *London Gazette*, as the later publication adopted an air of neutrality, which suggested a more objective report of the news. L'Estrange had no such illusions, and did not bother with such a pretense.

During the years 1664-65 the government began to enforce laws against Dissenters more strictly, especially Quakers, who seemed to embody the social dislocation of the previous two decades for the gentry; in 1664 Parliament passed a new Conventicle Act, whose measures fell most heavily on the Quakers because they insisted on meeting openly, unlike the Independents and the Presbyterians, who were adept at avoiding authorities.[50] L'Estrange may have gloried in the downfall of the government's enemies, but he probably thought the main culprits had escaped; he thought groups like the Quakers were merely the over eager pupils of those masters of sedition, the London Presbyterians, who did not really feel the impact of the law against conventicles. He continued to pursue them with his customary vigor, and his public pronouncements on this score were backed up by his actions. When the government took the news book away from L'Estrange in 1666, it gave it to Thomas Newcombe. Apparently, L'Estrange had paid his informants, the so-called "mercury women," quite well. According to their new employers, the mercury women voiced concerns that "you will be as good a master to them as Mr. L'Estrange was, they knowing the single Gazette in profits far exceeds

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[49] *The Intelligencer* no. 10, November 2, 1663, *Burney Collection*, GDN Z2001379508; *The Newes* no.10, November 5, 1663, *Burney Collection*, GDN Z2001379509; *The Newes* no. 11, November 12, 1663, *Burney Collection*, GDN Z2001395016.
[50] Hutton, *The Restoration*, pp. 206-212.

Mr. L'Estrange's his double sheets…Mr. L'Estrange gave them all every month a quire of bookes…and…five pence to encourage them in his service."[51] He certainly undertook his duty to "overlook" the press conscientiously: there are several complaints among the papers of the various Secretaries of State he served, detailing his efforts to root out sedition and religious dissent. According to one bookseller, he turned him out of his shop for hours on end, while searching for an unlicensed book, while Francis Smith, the Baptist and pamphleteer, claimed he was "often and dayly harassed…by *Mr. L'Estrange's* Order." His searches into printing houses must have been particularly galling, as not only would these printers have had their businesses interrupted, but they often had their presses in their homes, as most were family businesses, as has been noted already.[52] It is unsurprising that in this period Ralph Wallis, an author of scurrilous pamphlets whom L'Estrange pursued, first referred to him as "the Devil's Bloodhound."[53] This was the language of conscience, which was, like the language of office, something that required a nominal definition, since the personae which they both refer to can only be realized through words; thus L'Estrange had to be, in the eyes of his adversaries, the minion of the Devil, since he persecuted the consciences of the godly printers who were only, in their minds, acting according to their consciences.

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[51] Letter of James Hickes to Joseph Williamson, August 8, 1666, Pubic Record Office, State Papers Domestic, 29/166/142, hereafter SP.

[52] Complaint against L'Estrange, June 2 1676, SP 29/ 381/252; Complaint against L'Estrange, January 2 1677, SP 29/390/9; Francis Smith, *An Account,* p. 10; Johns, *The Nature of the Book*, pp. 76-78; Habermas, *The Structural Transformation of the Public Sphere*, pp. 43-51. L'Estrange himself lived above the home of his own printer, Henry Brome, and such intimacy led to accusations of a liaison between him and Joanna Brome, Henry's wife. According to Johns, such accusations were common among those involved in the London print trade.

[53] Giles Webley to Col. Philip Frowde, June 15 1664, SP 29/99/73.

L'Estrange, as indicated above, did not see his activities as editor of the *Intelligencer*, and by extension, his pamphleteering, as a separate duty or responsibility from his work as Surveyor and licenser. There simply was no room in L'Estrange's mental world for an office of publicizing the news, or pamphleteering. Pamphleteering or news mongering were only explicable for him in the negative registers of the offices he held, something to be done in a state of emergency and not as duties in their own right. This perhaps accounts for his less than zealous coverage of the war in the *Intelligencer*, as he was always more concerned with internal enemies than with external ones. In particular, there was dissatisfaction at his failure to properly acclaim the Duke of York's victory over the Dutch, and it was said that "all were dissatisfied with his relation of it. There was no account of the Duke of York's singular encounter with Opdam. Prince Rupert was not even mentioned."[54] It may well have been an honest slip on his part, as one may suppose was his printer's misstep in referring to the Duke in one edition as "His Holiness," but may also reflect a judgment on L'Estrange's part that such publicity as his news book generated was for the education of the vulgar, and that his Majesty's government simply did not need it—or at least, *should* not need it, even if the negative publicity had to be countered. His superiors disagreed, knowing that feeding the news-reading habits of Londoners was essential; Pepys himself declared when the successor the *Intelligencer* came out that it was "very pretty, full of newes, and no folly in it," and another contemporary revealed in a letter that the *London Gazette* "gives much more

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[54] Letter, SP 29/124/25, quoted in Kitchin, *Sir Roger L'Estrange*, p.148. Pepys also noted that "every body silent in the praise of my Lord Sandwich, to set up the Duke and the Prince," but that "the Newes book upon Mr. Moore's showing L'Estrange (Captain Ferrers's letter) did do my Lord Sandwich great right as to the late victory," *The Diary of Samuel Peypys*, Vol. 6, eds. Robert Latham and William Matthews (Berkley: U. California Press, 1970), June 14-15th 1665, pp.127-128.

satisfaction to all Readers, than L'Estrange's 2 whole sheets do."[55] This was the case even though the *London Gazette*'s content in terms of news was almost exactly the same as L'Estrange's news book, the changes in the *Gazette*'s physical appearance and the lack of L'Estrange's editorial voice being the main differences.

When the powers that be decided to take the news book away from the L'Estrange, he complained bitterly about the loss of income from the news book, even though he had previously complained about the cost of operating it, and it appears that some of his competitors used the crown's dissatisfaction with it to aggrandize themselves. When the Secretary of State, Henry Bennet, Lord Arlington, wrote to L'Estrange to remind him of this previous complaints, L'Estrange responded by emphasizing not only his losses but also his service in London during the Plague, and of his service to the crown: "I have served his Majesty, as his blessed Father, almost 30 years; with as great a Passion and Constancy (through all hazards, & Extremities) as Humane nature is capable of."[56] Characteristically, he tried to yoke his self interest to his sense of duty, but he honestly thought of his public career as having begun with the wars, even if he inflates his role for perhaps venal reasons. L'Estrange's insistence on the inseparability of his identity with his service to the monarchy may have been self serving, as it was in this instance, but it was genuine, in published and unpublished writings. But in this case events as well as his enemies had conspired to deprive him of that particular duty and source of income.

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[55] *Diary of Samuel Pepys*, November 22, 1665, p. 305; Letter of Thomas Smith, December 7, 1665, SP 29/138/54. Smith was a clergyman and future bishop of Carlisle who later accepted the settlement after 1688.
[56] L'Estrange to Arlington, October 19 1665, SP 29/135/8.

After his dismissal from the news book, he continued in his other capacities as Surveyor and licenser, even during the plague in 1665; in fact, it may very well have been because of the plague itself that he stayed, for as Richard Baxter and other contemporaries report, the clergy of the established Church fled the city with the court, leaving the people to the care of the Nonconformist ministers.[57] The great fire which broke out in 1666 ruined many of the booksellers and printers who were already sympathetic to the Dissenting ministers cause, and gave them further reason to indulge in the publishing of unlicensed books attacking the government now that much of their stock had been lost. The years after 1666 up through the beginning of the Popish Plot were years of struggle for L'Estrange, as he frequently had to deal with changes of ministry in the government and with superiors whom he felt did not always appreciate his efforts, though as will become clear the king and his ministers recalled L'Estrange whenever they felt the Dissenting press threatening the regime with their paper bullets.

War always has the consequence of altering the political landscape, and this combined with the plague and fire sent the government reeling as it faced a barrage of new pamphlets attacking it. The fire in particular had the deleterious effect of fanning the flames of anti-popery sentiment against Catholics, as rumors that Catholics had started the fire spurred the London Dissenters to attack the government over its religious policies, something L'Estrange had been clamoring about for years. The fresh embarrassment of a failed war, the religious policy that so many in London detested, and the overall apocalyptic mood the fire and plague had put some of them into emboldened the sects to attack the government; there is an excerpt in the Calendar of State Papers of a

[57] Kitchin, *Sir Roger* L'Estrange, p. 162.

work called *A Scotch Letter*, which says of the Church of England's clergy that "the dumb greedy dogs, and the pitiful puppy priests have little to give, but what comes off of the Pope's fingers," which is endorsed by L'Estrange with the comment "whiggism and treason."[58] The second wave of pamphlets against the government were less earnest, and more scurrilous than the wave that L'Estrange combated in 1662-3, typified by Ralph Wallis, author of the pamphlets such as *The Poor Whore's Petition*, a crude satire of the king and his Catholic mistress, Lady Castlemain.

This latest wave of anti-popish feeling had its roots in two contrary but related impulses: detestation of the religious policy on the part of Nonconformists and fear of its relaxation by the same Anglican gentry that had insisted upon it in the first place. When Catholics began to publish defenses against the accusation that they had begun the fire in 1666, some of L'Estrange's detractors (especially within the Stationers' Company) began to allege he would let papist tracts be licensed while censoring more "godly" authors. This accusation would become a standard one against L'Estrange later during his battles with the Stationers Company in 1670s, and he was also less credibly accused of licensing Nonconformist works as well later on.[59] L'Estrange was personally inclined to Catholics, and so was open to such charges. At the same time, in the period following the conclusion of the war and the fall of Clarendon in 1667, Charles II was beginning to contemplate a policy of toleration again, especially as the Five Mile act was widely being

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[58] *Calendar of State Papers Domestic*, 1666-67 (London: His Majesty's Stationery Office, 1863-1972), p. 415, hereafter *CSPD*.

[59] *HMC*, Appendix to 9th Report II, p. 76, no. 337 (g), April 6 1677, where he was accused of being "a favourite of the fanatics." For complaints that as licenser he was "popishly affected," see Kitchin, *Sir Roger L'Estrange*, p. 173.

flouted and the persecution of L'Estrange had clearly not been effective.[60] The very Restoration settlement itself as it had emerged in 1661-2 was teetering at this point.

This move toward toleration could not have helped L'Estrange's mood at all, after having been so unceremoniously ejected from the news-book, and it appears that L'Estrange shirked his duty, as a couple of press messengers were assigned to do his work as Surveyor after the fire in 1667, though his illness may have also contributed to his delinquency.[61] Several letters between him and Arlington in the years 1667-1668 attest to the fact that he was not paid the pension he was promised when the news book was taken from him (about £200 a year), or at least not with any regularity. L'Estrange's pride was hurt by the loss of prestige he suffered by the loss of the news-book, but as Kitchin points out, his activities at this point were more directly tied to his salary from the government; he could not have effectively paid informants and bribed printers as was his wont, so that his inactivity is at least partly the fault of his superiors.[62] Thus his animadversion in a letter to Arlington about "30 years assiduous and unchangeable service and fidelity to the crown, [now] exposed at length at either to want bread or live the object of a common charity" in 1668 should be paired with his insistence to the king in 1670 that his work as Surveyor required "the constant charge of a deputy and coach, without which it would be the work rather of a porter than a gentleman, which amounts to £200 a year, and the contingent charges are more or less as occasion requires."

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[60] *CPSD*, Oct.1668-Dec. 1669, letter of J. Bentham to Secretary Williamson, January 13 1668, "It is reported that the King is so offended with the Bishops that he resolves on a toleration…conventicles multiply and grow bolder," p. 165.
[61] Kitchin, *Sir Roger L'Estrange*, p. 173.
[62] L'Estrange to Arlington on his pay, April 22 1668, SP 29/238/179; L'Estrange to Arlington on the same, April 24 1668, SP 29/238/202; Kitchin, *Sir Roger L'Estrange*, p. 165.

L'Estrange's insistence on his pay cannot be ascribed to mere venality (this does not mean he was free of it by any means), for he saw it as part of the liberty he needed to perform his office, one which was rather arduous. L'Estrange was certainly thinking in those terms when he wrangled with his superiors, and perhaps demonstrates how he could use such language to maneuver them into granting his wishes, though he was only partially successful in this case.[63]

He also pleaded with Arlington while trying to recover his pay for the news book that he was bed ridden with illness as well during that year. There is no way of knowing who nursed him in his illness, though in his letter to Arlington he mentioned having exposed both himself and "his Family" to the plague; it is not clear to whom he is referring, his family being in Norfolk, though it is possible family may have come from Norfolk during the plague. In any case, it is not surprising that the first translations that he published began to appear in 1667, during this brief lull in his career. In that year he published his *Visions of Dom Francisco de Quevedo Villegas, Knight of the Order of St. James*, a Spanish work in which L'Estrange revenged himself on his political enemies, such as the printer Livewell Chapman, whom he placed in hell. In the preface, where he claimed that he published it out of "*pure* Spite. *For he has had hard measure among the* Physicians*, the* Lawyers*, the* Women*, etc., and* Dom Francisco de Quevedo *in* English Revenges *him upon all his* Enemies."[64] He also likely wrote a defense of the Church of England in that year entitled *Dolus an Virtus*, as its motto and subject matter marked it as a reply to none other that John Corbet, the ejected minister with whom he had tangled in

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[63] L'Estrange to Arlington, April 24 1668, SP 29/238/202; proposed letter to the Court of Aldermen, May 19 1670, SP 29/275/155, quoted in Kitchin, p. 186.
[64] *The Visions of Dom Francisco de Quevedo Villegas, Knight of the Order of St. James* (London: Henry Brome,1667) Wing Q196, "Preface," A4.

1661-2. Thus his publications mixed the personal and political as they had done in the past.

As it happened, his internal exile from the government would not last very long. Arlington was once again recalled, and very soon the avalanche of pamphlets against the government became overwhelming, and in 1668 the government began to realize the usefulness of the Surveyor again. The very scurrility of the new wave of pamphlets gave it a cover of anonymity for its authors, and seeing its tentative steps towards toleration rebuffed, the king and his ministers reversed themselves in April 1668, reaching out to L'Estrange, who was not shy about reminding Arlington of their folly in deserting him in the first place:

> since your Lordship withdrew your support, which enabled me to do what I did, it [the press] has returned to its former liberty, and become as foul and licentious as ever, and the people concerned grown more peremptory, and become better instructed in the niceties of the case, and the failures of the Act for printing; but this shall be no discouragement to me, if his Majesty will bestow the necessary credit and supply.[65]

The new rash of libels was particularly egregious because they proceeded under the banner of anti-popery but also because, as L'Estrange noted, the purveyors of them had been instructed by their betters to invoke Magna Carta against the General Search Warrant (as they had against Conventicle Act also), which as noted earlier was the basis of L'Estrange's legal powers as Surveyor, it proceeding from the Secretary of State. The universal right of search that such a warrant implied was odious for rather obvious

[65] Letter to Arlington, May 19 1670, SP 29/275/155, quoted in *CSPD,* 1670, p. 227.

reasons to nonconforming Protestants, but L'Estrange had long deemed it necessary[66] as a prerequisite for the Surveyor's work. One can perhaps see in such a power another analog with conscience, with its power to search into whatever corners it needed to in order to bring sins into the light; certainly, the government seemed to be coming around to L'Estrange's insistence on the necessity of suppressing sedition.

In July of 1668 the government demanded a survey of the number of printers in London from the Stationers Company, the first in a long series of efforts by the crown and soon L'Estrange to get the Company to police its own members, and keep them from printing unlicensed books and pamphlets. That this effort was ineffective can be inferred from the fact that the next year the King himself ordered the Stationers to assist the Surveyor in his searches, so intent on protecting their own monopolies and so protective of the religious dissenters that supplied them with their wares was that body, as they would send their own messengers to warn printers when L'Estrange was coming to seize seditious books.[67] In the next several years, L'Estrange made several proposals with regards to both the Stationer but also to those printers who had taken up their trade outside the company, even as Parliament was preparing the second Conventicle Act which would become law in 1670.[68] Nonconformists in London attempted to block the passage of the Act in the City elections of that year, and so angry were the confrontations between the nonconformists and the trained bands that ensued that one historian has

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[66] Since at least 1662, see SP 29/39/92, 93, 95, on his demands for a general search warrant, quoted in Kitchin, *Sir Roger* L'Estrange, p. 126.
[67] *CPSD*, Oct. 1668-Dec. 1669, King to the Stationers, August 11 1669, p. 446; Kitchin, *Sir Roger L'Estrange*, *p.* 185.
[68] *CPSD*, 1670, pp. 227-28, 436-37, 451-52, 554.

dubbed them the "battle of London."[69] It was in the same year that L'Estrange published a substantially updated version of this *Toleration Discuss'd*, which the previous chapter showed was a case against toleration in the name of conscience, and the opposite case for conscience was made by nonconformists in abundance that same year, many of them citing Magna Carta and the laws of nature, much of it couched in the language of anti-popery.[70] It spawned even more scurrilous literature aimed at the crown, and Francis Smith later wrote that his business as a printer was interrupted for six months in 1671for being present at illegal meetings as a result of the new Conventicles Act.[71] The same elements that had made for the instability of the restored monarchy in 1661 were rearing their head with renewed force, brought forth by the new effort to restrain their meetings.

The crown's response to all this was to attempt to impose L'Estrange upon the Stationers Company, since they would not police themselves, and one can see this again as the government attempting to assert its conscience over the press, with L'Estrange as its preferred instrument. Towards the end of the decade, the government would eventually force the hand of the Stationers Company and break their independence as an agent of enforcement of the government's laws in the years just prior to the outbreak of the Popish Plot. But events soon complicated matters greatly. As late as 1671, another order from the King to the Stationers Company reminded them that they should be

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[69] Gary S. De Krey, "The First Restoration Crisis: Conscience and Coercion in London, 1667-1673," *Albion*, vol., 25, no.4, (Winter 1993), p. 569; Richard Greaves, *Enemies Under His Feet: Radicals and Nonconformists in Britain, 1664-1677* (Palo Alto, CA: Stanford UP, 1990), p. 159; John Spurr, *England in the 1670s: This Masquerading Age* (Oxford: Blackwell, 2000), p. 13.

[70] For a by no means exhaustive list of such literature, see De Krey, "First Restoration Crisis," n. 24, p. 571.

[71] Smith, *Narrative*, p. 6; *CPSD*, Jan.-Nov. 1671, King to the Stationers, August 8 1671, p. 421.

securing any seditious pamphlets, and hinting that he might just have to remodel their charter for that purpose, something Kitchin takes as a precursor of the remodeling that would take place at the end of Charles II's reign following his victory over Shaftesbury in 1683.[72] But this surely gives Charles and his ever changing ministry too much credit, as the worm turned very quickly in 1672, when the King's conscience suddenly made an about face (or perhaps showed its true face?) and issued its Declaration of Indulgence, directly contradicting the policy of the Parliament passed only two years before.

The political winds had shifted much earlier; the king had signed a secret treaty with the French at Dover in 1670, committing himself (for the time being) to a policy of rapprochement with the French, and antipathy towards the Netherlands, as well as to his personal conversion (though whether he actually intended to follow through on this is another matter). In 1672, as the King reversed course on religious policy, he also started war with the Dutch again, using national honor and English sovereignty of the seas as a pretext, though it was something that he promised in his treaty with Louis XIV two years earlier. The two actions were intimately related: the Declaration of Indulgence was published two days after war was declared on the Dutch, abrogating the laws of Parliament against protestant Dissenters and allowing Catholics freedom of private worship.[73] What exactly the king hoped to accomplish in making these moves is still a matter of debate, but contemporaries almost immediately interpreted the Declaration as a means of relieving Catholic recusants.[74] If the war was a diversion that the king hoped

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[72] Kitchin, *Sir Roger L'Estrange*, pp. 181, 184.
[73] "Declaration of Indulgence," *English Historical Documents*, pp. 387-88.
[74] Spurr, *England in the 1670s*, 28-29; J.R. Jones, *Country and Court: England 1658-1714* (Cambridge, MA: Harvard UP, 1978), pp. 174, 176; De Krey, *Restoration London*, pp. 121-22. Interestingly, Tony Claydon argues that the public justification for the war in

would draw attention away from domestic troubles, he miscalculated badly, for the Declaration unleashed a tide of anti-popery fears and propaganda which would ultimately bring the nation to the brink of civil war again in 1679. The king's wayward conscience was breaking the agreement he had made with the Anglican gentry at the Restoration in a bid to free himself from their influence, and the events that followed upon this form the backdrop for L'Estrange's battle with the Stationers Company.

As is well known, the war quickly became another embarrassment in a long line of embarrassing military ventures for the Stuart monarchy, and the wave of anti-popery sentiment the Declaration unleashed forced the king to withdraw his Indulgence little more than a year after he first promulgated it in March 1673. Much of this sentiment was stoked by Anglican clergymen, aggrieved that the settlement of the Church of England passed in 1662 was being undermined, who made sure that "popery was everywhere preached against," led by the Bishop of London.[75] Later that year, after failed attempts to unite Protestants against the putative popish threat, the Cavalier Parliament passed the first of the Test Acts, making communion in the Church of England a prerequisite for public office, imposing oaths of allegiance and supremacy, and requiring a declaration condemning the doctrine of transubstantiation. The passage of the Act also revealed the Duke of York and Clifford as Papists; York caused a scandal when he did not take communion with the King at Easter in 1673, and he raised further suspicions by marrying

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the press, though largely free of confessional motives, was not wholly secular, in that English support for the war was predicated on stock charges that the Dutch were guilty of "ingratitude, cruelty, and treachery," of vices that marked out the Dutch as "ungodly," accusations very similar to L'Estrange's polemic against Dissenters, perhaps suggesting some sort of submerged relation to the language of office. Claydon, *England and the Making of Europe*, pp. 141-42.

[75] Gilbert Burnet, *A History of My Own Time*, vol. I, ed. Osmund Airy (Oxford: Clarendon Press, 1897).

Mary of Modena, an Italian princess. Parliament followed this up by attempting to pass a bill banning marriages to Catholic princesses in the future, accompanied by ubiquitous pope burning processions.[76] Anti-Catholic and anti-French propaganda flourished as Protestant opinion in London turned against the court, with its moral failings and obvious affinity with Catholicism, and the war itself, much of it spread by the Dutch.[77]

At this time it seems that L'Estrange allowed many of the libels that published against the government to be licensed; Kitchin thought he did so for money, but he adduces little evidence to support the accusation.[78] Certainly, there is very little mention of him in the Calendar of State papers for the years 1673-75, but he was not entirely inactive: one should recall that in 1672 L'Estrange published his translation of de Bona's *Guide to Eternity*, specifically as a rejoinder to the tumults of the time, and a year later he republished his updated version of *Toleration Discuss'd*, which he had first enlarged in 1670, likely as Parliament was about to pass the second Conventicle Act. He may very well have been licensing books for money, but one suspects that the King's declaration dealt a blow to his morale which was more important to L'Estrange, so much did his identity depend on ideals of loyalty. The king with his toleration sought to make common cause with the very people had murdered his father, for reasons that must have seemed opaque to L'Estrange. He was quite willing to be tolerant toward Catholics, but saw no reason for such indulgence with Protestant Nonconformists. Between the King

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[76] Spurr, *England in the 1670s*, pp. 39-42; Jones, *Country and Court*, p. 178; *CSPD*, Nov. 1673-Feb. 1675, Thomas Derham to Joseph Williamson, December 5 1673, "…our citizens are making of the Pope's effigies and martyring him with great ceremony on every occasion of a bonfire, and…at the Duchess' [of York] arrival, they did the same again," p. 44.

[77] De Krey, *London and the Restoration*, 136; Spurr, *England in the 1670s*, pp. 39-40, 50-51.

[78] Kitchin, *Sir Roger L'Estrange*, p. 193.

placating his enemies and the Parliament inflamed against his friends the Catholics, L'Estrange would have been in an awkward position, and it is possible he simply lost his nerve and caved into the popular pressure against the Court and the war, absent the support of those higher up in the Great Chain of Being than he. Put another way, it is rather difficult to act as an extension of the government conscience if the government is as divided against itself as was England's in 1673-75, since the "Cabal" had several different factions within it. And such division in the government's "conscience" was a prelude to its virtual breakdown in 1679.

And worse was to come. Shortly after the war ended in March of 1674, Arlington became Lord Chamberlain and was replaced by Joseph Williamson as principal secretary of state, the very man who was in large measure behind his loss of the news book. It appears that Williamson planned to manage the press without the services of L'Estrange. He no longer had the power to act as Surveyor now that Arlington was no longer his superior, its powers being merely those deputed to him personally from the Secretary of State, something he pointed out to the Committee on Libels in the House of Lords a year later when they ordered him to investigate a pamphlet against the government.[79] His office as licenser was renewed, but Williamson brought in his own man to be a licenser, the historian of the Royal Society, Henry Oldenburg, in 1675, though in 1674 he did write his lone contribution to political economy at Williamson's request, a pamphlet called *Discourse of the Fishery*, in which he advocated a mercantilist policy of encouraging English fishing at the expense of the Dutch.[80] Oldenburg didn't take to the

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[79] *HMC*, Appendix to 9th Report II, p. 66, no. 296 (b), Nov. 8, 1675.
[80] L'Estrange to Williamson, Sept. 17 1674, SP 29/361/235. L'Estrange claimed that he had run the idea by several merchants, whom he claims were "as zealous to promote it as

sort of grueling and thankless work involved in licensing, and resigned after little more than two months in April of 1675.[81] Despite its lapse in this period, nothing illustrates so well the singular zeal and energy that L'Estrange brought to his mission of censorship (despite occasional failures) than the retirement of Oldenburg from the office of licenser after two months, which L'Estrange carried on almost continuously for nearly a quarter of a century. Oldenburg, it was true, was advanced in age at the time—he was fifty-six when he resigned, and died two years later in 1677—but L'Estrange was his elder by three years, almost sixty in March of 1675, and had nearly thirty years of life still ahead of him.

Much of the maneuvering around L'Estrange was the result of the shift in the ministry, which saw the rise of the Earl of Danby, and the attempt by the court to rebuild its bridges with the clergy it had alienated with the Declaration of Indulgence. In 1675, Danby introduced a measure in the House of Lords to impose an oath of loyalty on all public officers, similar to the one required by the clergy in the mid 1660s, which provoked a backlash from Shaftesbury and his allies, then beginning to form the nucleus of an opposition movement within parliament; it was likely Shaftesbury or one of his circle (possibly Locke) who penned *A Letter from a Person of Quality to his Friend in the Country*, which publicized the idea of an Anglican conspiracy to concentrate all power in

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I would wish," and that he could vouch for "several other persons of Condition to join in it."

[81] The learned man of letters claimed that "the tenderness of the employment and the vast expense of time it requires above what I at first imagined would ere long have constrained me to have surrendered, who must declare myself to be of the genius and temper that preferring the ease of his mind and the compliance with his other studies before so nice and laborious a task, wherein it is difficult to please universally." He also claimed that he had "taken more pains and care in the perusal of considerable of such books, as came before him," SP 29/381/33, quoted in Kitchin, *Sir Roger L'Estrange*, p. 196.

the bishops, to declare the king's power absolute and reduce Parliament to a mere cipher. This was the beginning of a wave of pamphlets that would use the language of anti-popery against the bishops, cultivating the growing anti-clericalism of the English people.[82] This was the same pamphlet that the Lords instructed L'Estrange to search for in 1675, to little avail. The pamphlet caused quite a stir, and the government was able to do very little about it, as L'Estrange's testimony attests. The Stationers were largely in league with the printers of such pamphlets, and the dynamic that existed early in the Restoration still held, as he explained that when the printers "come to be detected, the common pretence is, "they were left in my shop," or "sent in a letter, I know not by whom."" Interestingly enough, L'Estrange also thought that manuscripts ought to be included when prosecuting libels, for they were "more mischievous than prints; for they are commonly so bitter and dangerous that not one in forty ever comes to the press, though, by the help of transcripts, they are well nigh as public."[83] The technology of print did not matter as much in Restoration London, because politics was so intimate and personal in that setting, and therefore the public one sought to reach was fairly small, even granting the participation of the masses in coffee houses, because the public sphere, if it existed at all, existed in Parliament, and it was to it that pamphlets like Shaftesbury's were really directed.

Thus it was, despite complaints that L'Estrange had countenanced the licensing of the libels by "winking at the numerous spawn of nonconformity books,"[84] that Williamson had to recall L'Estrange to the front lines of the battle against the king's

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[82] Spurr, *England in the 1670s*, pp. 77-79; De Krey, *London and the Restoration*, p. 152.
[83] *HMC*, Appendix to 9th Report II, p. 66.
[84] Complaint to Williamson against L'Estrange, June 2, 1676, SP 29/381/252.

opponents in 1676. This meant primarily a resumed fight against the Stationers Company, whose members would claim they could not control the spread of libels; that they were published by members of other guilds; and that the Stationers therefore had no authority over them, something L'Estrange wanted to cure by putting all the booksellers under the control of the company. This dovetails interestingly with the complaint against L'Estrange, cited above, that he operated as Surveyor beyond his legal mandate, infringing on the jurisdiction of the other licensing authorities, such as the Archbishop of Canterbury (for books of divinity) and the Secretary of State (for books of intelligence and history).[85] The accusation fits with those complaints against the General Warrant as well, in that they at base are accusations that L'Estrange had violated the boundaries of his office, while illustrating how differently they and he viewed the requirements of that office. The Stationers Company had no problem with L'Estrange demanding in the King's name the passage of new by-laws designed to curb the press, but they were violently opposed to the enforcement of them by L'Estrange, whose whole identity assumed a drastically different sense of what his office was and what it required. What was bribery and venality to the printers and booksellers he squeezed for money was for him the remuneration due as an officer of the crown, whereas their sideline in unlicensed works was a part of theirs as members of their trade.

As the struggle began in 1676, L'Estrange again pressed the company for new by laws in July of that year; when L'Estrange went again to the Stationers Court in September, he told them that "the King would be trifled with no longer: Parliament was

[85] Complaint lodged against L's practices as surveyor, June 2 1676, SP 29/381/252. For another example of his activities, see SP 29/390/9, Jan. 2 1677, where a Robert Scott complained to Williamson that his brother in law had his shop closed down for hours on end while L'Estrange and his assistants searched for books.

at hand, and if the Byelaw was not confirmed before it met, they would be pestered with libels, and the blame would lie at their door." This interference angered the leading member of the Stationers, one Samuel Mearne, who reportedly "sprang up and accused him of wishing to make the Company slaves, and spoke disrespectfully of the King; but on L'Estrange's threatening to report the words, they were apologized for by others of the members." By December it was clear the Stationers were not going to enact his recommendations, so L'Estrange appealed to Williamson, and the matter was eventually referred to Parliament, which was scheduled to meet after a long prorogation in January of 1677.[86] The Stationers claimed that L'Estrange took more money for publishing unlicensed works than licensed ones, that he claimed orders from the king that he had never received (specifically, for licensing Andrew Marvell's *The Rehearsal Transpos'd*, one of the more effective anti-government pamphlets of the day), and that he was "a favourite of the fanatics."[87] This last charge might be explained by the fact that the Stationers Company, which had several factions within its members, housed some who were loyal to L'Estrange, rather than Mearne. L'Estrange actually turned to his side some of the printers he had harassed earlier in order to aid with his struggle against the Stationers—most notably, the aforementioned Francis Smith, who claimed in 1674 that he was accosted by two book sellers evidently aligned with Mearne, and that Mearne made no attempt to punish them for selling unlicensed books while refusing to license Smith's.[88] What gives this altercation interest is that Mearne was, like L'Estrange, the king's man: he had been made a member of the Stationers' Company at the King's

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[86] *HMC*, Appendix to 9th Report II, p. 76, no. 337 (g), March 20 1676/7.
[87] *HMC*, Appendix to 9th Report II, p. 76, no. 337, April 6 1677.
[88] *CSPD*, Nov. 1673-Feb. 1675, Smith to Arlington, February 7, 1674; Kitchin, *Sir Roger L'Estrange*, p. 206.

request in 1668, and was Joseph Williamson's primary means of attempting to police the book trade without the assistance of L'Estrange in 1674, when he attempted to do without his help. In 1674 Mearne was made the King's stationer in ordinary, and a year later he was granted a grant for the offices of "bookbinder, bookseller, and Stationer-in-ordinary for life, in consideration of the good skill and ability of the same said Mearne…in inspecting the Press and suppressing scandalous and seditious libels and pamphlets."[89]

The outcome of this struggle was not concluded by Parliament, as the Commons was in no mood to pass a new Press act in 1677, and the committee in the Lords ceased to investigate the matter after April of that year. It appears that the crown eventually had its way. The Lord Chancellor and the Chief Justices of the Courts must have managed to force new by laws on the Company, as the Company had them published for its members in 1678, something that apparently they had never done before. The document mentions a great deal that was in keeping with previous attempts to regulate the press, and order the Company internally, but it also contains several new items which were obviously concessions to L'Estrange: the by laws were to be read to all new members upon swearing in, any member with stock in the company who failed to inform the Court of Wardens of any unlicensed books or illegal presses would forfeit a year's interest, while similar offenders not owning stock would be charged ten pounds. But the crucial part is that these punishments could be reduced if the "Master, Wardens, and Assistants, with the consent of Roger L'Estrange, Esq; or such Persons as hereafter shall have the like Power concerning the Press commuted to them as he now hath, upon hearing of the matter, shall according to the nature of the Offense think fit to

[89] *Domestic Entry Book*, SP 44/40A, 64, quoted in Kitchin, *Sir Roger L'Estrange*, p. 206-7.

mitigate the same."[90] These injunctions effectively gave L'Estrange and the crown the oversight over the crown they had been seeking for a decade, but more importantly they mirror perfectly the idea of the Court of Chancery as a court of conscience. What the Justices essentially did was set up L'Estrange as a judge in a court of equity over the Stationers own Court of Assistants, effectively making him the "overseer" of the Stationers—a crown appointed extension of its conscience, as he had wanted to be in 1663. The published orders also give a text of the oaths to be administered to the various types of members, all of which enjoin them to swear that they will "be good and true to our Sovereign Lord the King's Majesty that now is, and to his Heirs and Successors, Kings or Queens of this Realm."[91] L'Estrange had now managed to secure legal oversight of the Stationers, and the next obvious step would have been, as he had recommended, to have forced the independent printers in London to become members of the Company. Thus they could all be regulated by the watchful eye of the Surveyor.

In addition to his activities as Surveyor and licenser, L'Estrange continued gathering information on Nonconformist meetings informally, as he had in the early 1660s, something he saw as his duty, even if it was not part of his legal mandate. In August of 1678 he procured information about a sect called "The Sweet Singers of Israel, or the Family of Love," in exchange "For a License," which he promptly passed along to the Bishop of London, writing that "I reckon'd it my Duty, my Lord, to present your Lordship with this Enformation, without allowing any thing concerning them, till they

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[90] *The Orders, Rules, and Ordinances Ordained, Devised, and Made by the Master and Keepers or Wardens and Comminalty of the Mystery or Art of Stationers of the City of London, for the Well Governing of that Society* (London: 1678) Wing O403, pp. 23-24. The Lord Chancellor was Heneage Finch, the Chief Justices were Richard Rainsford and Francis North.

[91] *The Orders, Rules and Ordinances*…, pp. 25-27.

shall be first exposed to Publique Justice."[92] Informing on the sectaries was part of L'Estrange's self-understanding of his office, even if it was not part of his legal warrant. He was as convinced as ever that it was the press and the pulpit of religious Dissent that were responsible for the instability and fragility of the Restoration monarchy, and in 1678 they were rearing their head again. A week before L'Estrange reported to the Bishop of London on the "Sweet Singers Of Israel," an obscure clergyman named Israel Tonge first brought the story of Titus Oates to the attention of the court, where it was contemptuously ignored, and in early September Oates himself gave testimony of a plot by Jesuits to assassinate the King before Sir Edmund Godfrey, a prominent judge; on October 12, Godfrey went missing, and when his body was discovered five days later, strangled and run through with a sword, it helped spark the next great political crisis of the Restoration, nearly sending the country into civil war a second time, and would send L'Estrange fleeing his country for his life for a second time as well.

This chapter has attempted to illuminate the unstated rationale behind L'Estrange's career as licenser and Surveyor, how the same rationale that underlay his religious convictions fueled his service to the crown, and how he constructed his identity in the same vocabulary of office. The language of conscience was used by everyone from the king on down to printers such as Francis Smith, and even if L'Estrange's censoring offices were not an extension of the government's public conscience, it is clear that he believed what he did was according to conscience as he understood it. As well, it helps demonstrate the personal nature of government and law enforcement in the seventeenth century, as the Restoration monarchy lacked the bureaucratic policing

[92] Letter to Henry Compton, Aug. 20 1678, Rawlinson Manuscript, C. 983, Bodleian Library.

powers of modern states. It was L'Estrange's zealous and sometimes disastrous severity with which he took the threat from the Nonconformists that made him so useful in such an environment. The hectoring, moralizing tone that so many historians have found offensive in L'Estrange's writing can be traced to his officiousness, and his insistence that what he was doing was in accord with the ideals of conscience as generally understood by contemporaries. That is why his offices were so controversial, because they traded on generally accepted notions of conscience, and perhaps why modern historians find his actions so repellent: modern notions of conscience can make sense of Francis Smith's appeals to an individualistic form of conscience, but not the idea of a public conscience.[93] This illustrates again that the line between the public officer and the private subject was amorphous, and it was such fluidity that allowed L'Estrange, in good conscience, to simultaneously and actively harassing his fellow subjects in the name of public order outside the letter of the law, precisely as a subject himself.

[93] John Locke's definition of conscience in his *Essay Concerning Understanding* is much closer to modern understandings: "*Conscience*…is nothing else, but our own Opinion or Judgment of the Moral Rectitude or Pravity of our own Actions," *Essay*, p. 70, Bk I.3, §8.

# CHAPTER V
# AGE OF NARRATIVES: POWER, POPERY & PRINT, 1678-1681

Previous chapters have argued that L'Estrange's fortunes were connected with the fate of those more powerful than he was, but that he predicated his identity on the performance of his offices. This chapter will examine his attempts to defend the government during the years 1678-1681, when first the trials associated with the "Popish Plot" and then the attempts by members of Parliament nearly set off a civil war, and how this was entwined with attacks on his persona and his person. It will argue that L'Estrange used the register of office to defend his involvement in pamphleteering and himself against the charges that he was a papist. It will suggest that what is normally called the "Exclusion Crisis" might be explained in terms of personae, and the apparent disregard for the fulfillment of the demands associated with such personae. It emphasizes that the state's "conscience" was at issue in the treason trials associated with the Plot, and that L'Estrange's criticism of the testimony of Oates, Prance, and others of the King's witnesses made him open to a charge of popery because of it, but also because of his rather warm public defense of Catholics themselves. Lastly, it will consider the role of the printing press in this period, and whether or not the outburst of printing during this episode created a "public" in the Habermasian sense of the term during this period.

## I. L'Estrange & the "Popish Plot"

In the claustrophobic atmosphere of a politically divided London, the government of Charles II in October of 1678 was in the same straights it had been in 1668 and 1674, out of money and attempting to defend a foreign policy which alienated Parliament: the army which had been intended to fight against Louis XIV in Flanders never did so,

mainly because of the King's attempt to play Louis and his Parliament off one another. He had managed to procure funds with which to disband the army in July, after which Parliament was prorogued; it was on August 12 1678 that Israel Tongue, a paranoid Anglican clergyman, first brought Oates' story of a plot to assassinate the King to Charles' attention while he was walking in St. James's park. Charles understandably took this threat seriously, but soon became skeptical; Oates, however, proved convincing enough when testifying to his Privy Council that they soon ordered a series of arrests (mainly of Jesuits) which set the country alight with rumors of a plot.[1] Thus, by the time parliament met again in October, it was primed and ready to discuss the supposed Plot, and not to grant the King his request for money.

Fears about the growth of popery in England had been raised to a pitch by writers associated with the Parliamentary opposition, and all of these various fears were brought together and played upon with amazing skill by Andrew Marvell in 1677. His *Account of the Growth of Popery* depicted a conspiracy against the government and religion of England by secret Papists in the Parliament, obstructed only by the efforts of brave stalwarts (mainly the Earl of Shaftesbury and his allies) to discover it. Marvell prefaced his lengthy and detailed account of the maneuverings in Parliament with a brief reminder of all the nefarious activities of Catholics since the Reformation: Bloody Mary, the Armada, the Gun Powder Plot and other actual events mixed with assertions that Catholics had started the Fire of London in 1666. Much like L'Estrange vis-à-vis the Presbyterians years earlier, Marvell claimed that "Popery as such as cannot, for want of a better word, be called a religion," and that it was only the aid of a "diviner influence" that

[1] John P. Kenyon, *The Popish Plot* (London: Phoenix Press, 2000), pp. 56-68.

restrained "those within any [of] the termes, or Lawes of Humanity, who at the same time own the Doctrine of their Casuists or the Authority of the Pope, as it is by him claimed and exercised."[2] He deftly wove appeals to religious and political fears together, saying it was impossible that England should be susceptible to popery, because it was "interwoven…with their Secular Interest," and claimed there was a design "at one *Italian* stroke, attempting to subvert the Government and Religion, to kill the Body and Damn the Soul of our Nation."[3] It was a virtuoso performance, perfectly calculated to inflame Godly, patriotic Londoners against the court, and set something of a standard for subsequent anti-court propaganda.

As such, it was also perfectly calculated to inflame L'Estrange, who promptly replied with his own pamphlet, *An Account of the Growth of Knavery*, sometime in 1678 before the plot hysteria broke. In this pamphlet, he matched Marvell's historical comparisons of past with present evils by making explicit the connection, as he saw it, between the Parliamentary opposition in 1641 and 1677. L'Estrange saw Marvell's intimations of a secret plot as a sham: "what are all their Stories of Popish Plots, Intercepted Letters, Dark Conspiracies, but only Artifices to gull the Credulous and Silly Vulgar?" L'Estrange repeated the same point he had made so often before, and would throughout the ensuing crisis till the end of his public career, that all the cries of popery were a backhanded way of attacking the government, something Marvell had denied in his pamphlet. Marvell insisted he had not mentioned anyone in Parliament by name in

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[2] Andrew Marvell, *Account of the Growth of Popery* (Amsterdam: 1678) Wing M860, pp. 5,7. L'Estrange would later write of Marvell and his party that "they are Fools that take Men of these *Practices* to be of any *Religion*," *An Account of the Growth of Knavery, Under the Pretended Fears of Arbitrary Government, and Popery* (London: H.H. for Henry Brome, 1678) Wing L1193, p. 64.

[3] Marvell, *Account of the Growth of Popery*, pp. 13-15.

order to avoid any "private animosities," but L'Estrange had no patience with this claim, saying the effect of a "Nameless and Indefinite Libel" which could not be tested against any particular case, since no actual person was named, implicated all of the king's ministers and the king himself in the supposed plot.[4] Marvell doesn't use the language of libel, but he too complained of the king using print to cast aspersions on the opposition in Parliament, when the king's declaration, published in the government's newspaper, *The London Gazette*, referred to Marvell's allies as "refractory disobedient Persons, that had lost all respect to his Majesty," thus bringing Parliament to such a "height of Contempt, as to be *Gazetted* among Runaway Servants, Lost Dogs, Strayed Horses, and Highway Robbers."[5] The mutual recrimination of the abuse of print is striking by Marvell and L'Estrange, mainly for the sense of its illegitimacy against public figures; Marvell in fact reproduced speeches made in Parliament word for word, something that was illegal at the time, so it seems likely L'Estrange was correct in identifying his real intentions. But the fact that both played up the damaged prerogative of government office holders—that of the Parliament on the one hand, and the king on the other—hints how similar their thinking was.

In any case, such printed attacks made trouble for the government, and L'Estrange published another broadside against conspiracy theory pamphlets before Tongue and Oates handed the opposition their opportunity, called *Tyranny and Popery Lording it Over the Consciences, Live, Liberties, and Estates, of both King and People*, which detailed yet again the king killing doctrines of the Presbyterians going back to Elizabethan times, attempting yet again to elide Presbyterianism with popery. The tract

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[4] L'Estrange, *Account of the Growth of Knavery*, pp. 10, 33-34; Marvell, *Popery*, p. 155.
[5] Marvell, *Popery*, p. 149.

was one of his most reprinted, and L'Estrange relates some personal anecdotes of Presbyterian cruelty, as well as detailing their sequestrations of royalist estates, among other nefarious deeds. He seemed particularly exercised the by Presbyterians' willingness to punish men and women for the mere possibility "for them to be Lewd together in Private," forcing them to "*publiquely*…discharge themselves upon *Othe* that they are innocent"; he also tells the story of a wife whose husband had confided in her, only to have the wife tell his "faults" to her Presbyterian minister, who then "made him do *Public Penance*," and that this "Practice has Parted many Men and their Wives."[6] The complaint is typical of L'Estrange, as Presbyterianism was for him an inversion of public and private offices that he found abhorrent, but there may also have been a more intimate reason for this outburst, for at the age of 62 he married for the first time in 1678, to Anne Doleman, daughter of the Whig Clerk of the Privy Council, Sir Thomas Doleman.[7] References to family, familial duties, and familial metaphors appear with greater frequency in his writings during this period. He makes mention of his age in several of these tracts as well, perhaps for the same reason.[8]

Before Tonge sought out the King in August, L'Estrange had been diligently seeking out the middle men and women who made the publishing of libels against the government possible, in particular the people who had helped Marvell publish *Account of*

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[6] *Tyranny and Popery Lording it Over…both King and People* (London: Henry Brome, 1678) Wing L1321, pp. 83-85.
[7] Love, 'Sir Roger L'Estrange, 1616-1704.'
[8] Besides *Tyranny and Popery*, see, for example, his *Free-Born Subject* (London: Henry Brome, 1679) Wing L1248, where he calls the Whigs "Uncoverers of their Father's Nakedness, and the defilers of the Honour of our Common Mother," p. 14.

*the Growth of Popery* the year before.[9] Rumors had been flying since the spring about a popish plot, and besides his original pamphlets aimed at suppressing the obsession with them, he also found time to publish two translations in 1678 with an eye toward the current situation. His *Seneca's Morals by Way of Abstraction* became one of his most popular translations, itself being, as the title indicated, a selection of abstracts from Seneca's *De Beneficiis* in twenty chapters with subheadings. The form of the work resembles the commonplace books which were popular in the seventeenth century, in which individuals would record their thoughts and other bits of wisdom. This no doubt partly accounts for the popularity of his translation, for he and his contemporaries saw Seneca as a storehouse of common wisdom, just as commonplace books were supposed to be storehouses of knowledge. Indeed he says in the preface that his purpose in translating this way was to "digest, and Common-Place his *Morals*, in such a sort, that any Man, upon occasion may know where to find them."[10] Commonplace books are sometimes mined by scholars as evidence for new ideas of selfhood, and it is fitting that L'Estrange never actually kept one of his own so far as one can tell, but rather made characteristically peculiar use of Seneca, mixing the private man with the public appeal to Senecan stoic virtue.[11] He says in the preface that the reason he chose Seneca was that "we are faln into an age of *vain Philosophy*…insomuch that, betwixt the *Hypocrite*, and

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[9] *CPSD*, Mar.-Dec 1678, pp. 290, 372. Evidently he was looking for Abigail Brewster, the widow of a bookseller named Thomas Brewster, through whose hands L'Estrange wrote that "it is very probable that the late libels concerning the *Growth of Popery* and the *List of the Members of Parliament* passed," noting that if caught she was likely blame it on Marvell, who was by then dead.

[10] *Seneca's Morals*, "To the Reader," p. iii.

[11] For commonplace books, see Lucia Dacome, "Noting the Mind: Commonplace Books and the Pursuit of the Self in Eighteenth Century Britain," *Journal of the History of Ideas*, Vol. 65, No. 4 (Oct., 2004), pp. 603-625.

the *Atheist*, the very Foundation of *Religion*, and *good Manners* are shaken." He deplored the fact that "Publick Authority" was subjected "to the Private Passions and Opinions of the People; the Supernatural Motions of Grace [are] Confounded with the Dictates of Nature. In this State of Corruption, who so fit as a good honest *Christian-Pagan*, for a Moderator 'twixt *Pagan-Christians*?"[12] He reiterated the connection between the civil wars and the present state of affairs, saying that "this PROJECT succeeded so well against One Government, that it is now set a foot against Another." But he also characteristically mixed the private with the public, claiming that "next to the Gospel itself, I look upon it as the most Sovereign Remedy against the Miseries of Humane Nature; and I have ever found it so in all the Injuries and Distresses, of an Unfortunate Life."[13] L'Estrange assumed a Christian neo-Stoic persona in the midst the tumults of the Plot, and this allowed him to portray himself as an irenic voice amidst the warring factions decrying popery—a position at first sight incredible, given his lifelong bitterness toward Dissent and royalist/Tory allegiances.

His attitude toward the "Plot" was, as ever, the fruit of his conviction that the outcry it occasioned was a mere contrivance to undermine the monarchy and the Church of England. But this did not mean he disbelieved the existence of such a plot. In virtually all his writings during this time, he acknowledges the existence of a plot to kill the king, and in a private letter to Sir Leoline Jenkins a few years later, he affirmed his belief in "Tongue's first information, which to this day I believe to have been truth,"

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[12] *Seneca's Morals*, p. vi.
[13] *Seneca's Morals*, pp. ix-xii.

indicating that he did believe that there was a plot against the king's life.[14] L'Estrange publicly claimed this plot was carried on by Nonconformist Protestants, but there is clearly a sense in which he believed generically that Catholics were also plotting against the government. But this belief always remained at a safely generic level, and his willingness to express fondness for Catholics he knew (though never identified), along with this criticism of the plot and past reputation, allowed his opponents to claim him as a papist. His response to this was to reiterate what he called "the Offices of Humanity," and understanding why he made the attempt to justify himself in these terms will help to clarify the nature of the debate in that period.

**II. Popery, Conscience, & the Offices of Humanity**

As Parliament was about to meet again on October 21 1678, rumors had spread from London to the rest of the country about the exact nature of the plot Israel Tonge and Titus Oates had concocted. One newsletter even reported that an attempt on the king's life had already taken place twice: an attempt at shooting him had been foiled "by a miraculous providence" as the "the flint always flew out" of the gun as the assassin was about to fire, and an attempt at poisoning him was foiled by the king himself, though both in fact "are miraculous deliverances."[15] Preachers sermonizing on the plot invoked the "Curious Eye of God" to explain how such a devilish plot was so providentially

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[14] *CSPD*, Sept. 1680-Dec. 1681, p. 531. The letter to Jenkins was dated October 23 1681. He also indicated that he believed a plot to be in existence by his interpolations to a copy of a work by Edmund Borlase on the Irish rebellion of 1641, which he licensed. I will discuss this in more detail below.

[15] *CSPD*, Mar.-Dec. 1678, newsletter to Sir Francis Radcliffe, p. 453. For more on the sometimes lurid and fantastic rumors, especially in the provinces, see Kenyon, *Popish Plot*, pp. 115-116, and Spurr, *England in 1670s*, p. 262.

discovered.[16] Even though it was known in October that the King and the Duke of York were highly skeptical of the Plot,[17] Charles could not afford to appear indifferent to the plot, so weak was his government at the time.

When Parliament began to investigate the Plot, events began to move at greater speed, and the first person to die in connection with the Plot was executed in November, when a young Catholic man was put to death for calling the king a heretic while drunk in a pub; the trial of Edward Coleman, the former secretary for the Duchess of York, soon followed, and he was executed on December 3, the same day as the first issue of Henry Care's *Weekly Pacquet of Advice from Rome* was published. Care was one of the more important of the Whig supporters in the press, and his weekly newssheet, consisting of fictional accounts of the goings on of the Pope and other figures in Rome, helped to fuel the already powerful fear and detestation of popery; by the end of 1679, Care had turned its guns on the government and the Church of England, thus starting a running battle with L'Estrange.[18] The Privy Council ordered the Lords Lieutenant to disarm all papists at the end of September, and at the request of Parliament, the king issued a proclamation ordering the removal of all Catholics from London at the end of October. Meanwhile the

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[16] John Goodman, *A Sermon Preached before the Right Honourable Sir Robert Clayton, Lord Mayor* (London: R. Royston, 1680) Wing G1125, pp. 4-5; Samuel Hearne, *A Discourse on Divine Providence* (London: Thomas Newcombe for G. Kunholt, Oct. 11, 1680) Wing H1577, p. 1; Edward Stillingfleet, *A Sermon Preached on the fast day, November 13th 1678, at St. Margaret's Westminster, Before the Honourable House of Commons*, (London: Margaret White, 1678) Wing S5622, p. 51; Thomas Wilson, *A Sermon on the Gunpowder Treason* (London: Henry Brome,1679) Wing W2936, p. 10.

[17] "I hear the King and Duke make light of it, others say not. Some say Titus Oates and Dr. Tongue are not in all circumstances very good witnesses, but then, methinks, their discovery would not have produced such a general effect as the disarming a party in a nation. I am much amazed." Letter of Sir John Biggs, *CPSD*, Mar.-Dec. 1678, p. 451.

[18] Kenyon, *Popish Plot*, pp. 112-113; Spurr, *England in the 1670s*, pp. 263-64; Lois Schwoerer, *The Ingenious Mr. Henry Care, Restoration Publicist* (Baltimore, MD: Johns Hopkins U. Press, 2001), p. 44.

priests accused by Oates were arrested, and searches for others began. In Parliament a new Test Act was passed barring Catholics from the House of Lords in November; by December two new witnesses, William Bedloe, and Miles Prance, had stepped forward, providing new "evidence" and paving the way for the series of executions that would take place in the summer of 1679. At the same time the Whig press and the London pulpits were working to rouse the London population to a fever pitch, especially as the Cavalier Parliament was finally dissolved in January 1679. The first of the so-called "Exclusion Parliaments" met in a climate of frenzy in which good, Protestant Londoners felt as if they alone represented the last bastion of true Christian faith and "free" government in a sea of tyranny and superstition.[19] In March 1679, the Earl of Danby fell from grace, and on May 11 the bill to exclude James from the succession passed the Commons with a wide majority, bringing the matter of succession into play for the first time, a concern which by then was inseparable from the general hysteria about popery. In order to prevent its passage, the king duly prorogued Parliament on May 27, as the Licensing Act expired, ending for the time being pre-publication licensing. After a perfunctory trial, five Jesuit priests arrested as a result of the plot were executed on June 22, and in the same month a rebellion broke out in Scotland, which was quickly put down by the Duke of Monmouth, spurring talk of his replacing James in the succession. On July 14, the king decided to dissolve Parliament and call for another, precipitating a bitter round of

[19] Kenyon, *Popish Plot*, pp. 82, 106, 150,253; Spurr, *England in the 1670s*, pp. 270-27; De Krey, *Restoration London*, pp. 157-160; Jonathan Scott, *England's Troubles: Seventeenth Century Political Instability in European Context* (Cambridge: Cambridge UP, 2000), p. 184.

elections and escalating the crisis to a high pitch, especially as he fell ill in August, by which time fourteen Catholics had been executed in connection with the fictitious plot.[20]

It was only the summer of 1679, perhaps in June, that L'Estrange entered the fray again after his translations and tracts of 1678. The reason for his public silence is not clear. He was still acting as a licenser up until May of 1679, and he also had to take care of his new family, though Kitchin seemed to think that he was simply caught up in the plot frenzy like everyone else, suggesting that at first he was content with the way events were unfolding. He adduced this from a letter L'Estrange wrote to Edmund Borlase, who was seeking to have his *History of the Execrable Irish Rebellion* published, as well as the handwritten comments of L'Estrange on a copy of the text in the British Library.[21] The letter, dated February 20 1679, voiced L'Estrange's concerns (which were also those of the government) that the work not cast the government in a bad light or throw dirt on the grave of Charles I. Both the letter and his comments on the text are interspersed with anti-Catholic sentiments: the "Irish Papists" are a "perfidious and cruell sort of People," and alludes to "the present Injurious and malicious Conspiracies of a Popish Party who have not onely plotted and intended the Destruction of his royal majesty but the totall subversion of his true Protestant Religion within this Realm by Law Established." Interestingly, he comments on the lack of cooperation with Charles I in suppressing the Irish rebellion by citing the November 5th Sermon of John Tillotson. He also remarks on Borlase's discussion of the Irish character by referencing a brief work by James Ussher, which he cites as demonstrating how agreeable was the ancient religion of Ireland "to the Church of England," commenting that it was "impossible they [the Irish] should have

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[20] Spurr, *England in the 1670s*, pp. 280-84; Kenyon, *The Popish Plot*, p. 205.
[21] British Library, Stowe MS, f.1-2.

been so savage & cruell" had not "the false principles" of Catholicism "perverted their Naturall Dispositions."[22]

Such negative statements about Catholicism are not surprising coming from any seventeenth century Protestant, but they hardly prove that he was adding "to the anti-papal fuel" or was "carried away much as his neighbours" by writing a few anti-papal notes on a text that was not in fact published till 1680.[23] What it does show is that his concern was more for the monarchy than for the Church of England at that point, which given the circumstances was understandable, and his quotation of the Erastian and Latitudinarian Tillotson, not the first person one would think L'Estrange thought highly of in religious matters, is an indication that this was, as ever, his first consideration. Yet it is important to state clearly what he meant by popery, and just how subtle the distinctions were that he was willing to make with regards to actual living Roman Catholics, rather than those that had perpetrated real or imagined acts of treason against the government in the past. L'Estrange believed in general terms that there was a papist or Jesuit plot to kill the king, but he never singled out any English Catholic that I know of for censure; his was a rather theoretical hatred of popery, for empirically his personal experience had taught him otherwise. And one could argue that his attempts to discredit the plot and attack the pretensions of the early Whigs were in many respects L'Estrange's finest hour as a political writer.

In fact, it was the not the monarchy but the church which first led him to speak out. In the summer of 1679, soon after the execution of the five Jesuit priests in June but

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[22] BL Stowe MS. His textual commentary cited above appears on pages 10 and 14 of Borlase' work in the British Library copy.
[23] Kitichin, *Sir Roger L'Estrange*, pp. 229-230.

before the acquittal of Sir George Wakeman in July, he published *The Reformed Catholique, or the True Protestant*, a work examined earlier in regards to his religious beliefs.[24] It is intriguing that he begins it with the claim that "every man should both *go* and be *known* by his right Name," and offers up his persona as an "*Apostolical Christian*, or *a Son of the Church of England*." Furthermore, the title page does not indicate that L'Estrange was its author, though perhaps readers might have gleaned his identity from the name of his publisher, Harry Brome, whose name does appear on the title page.[25] This is even more intriguing as he identifies several particularly egregious pamphlets and complains heartily that "the Publishers of these Papers are known every one of them, and most of the Authors." As usual, there are invocations of conscience, of duty to prince and country, as justification for publishing "upon *This Subject*, and at *This Time*," as well as the "Office" he feels he must undertake because of the "Audacious Liberties of the Press in Matters of Religion and Government"; but there is also a stronger emphasis on the incompatibility of the "Turbulent Spirits" whose confuse their violent passions with the peaceful motions of the Holy Spirit, and his assertion that the religion of those agitating for changes in the government is a "Contradiction to the…common Interest of *Mankind*, as well *Individuals* as *Communities*" began a running theme in many of his pamphlets in 1679-80.[26]

This was the corollary to the other part of this rhetorical strategy, a sometimes warm defense, not of Catholicism, but of Catholics themselves, or at least a defense of their humanity. At the height of the Plot trials in 1679, he complained in *The Reformed*

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[24] *Reformed Catholique* does not mention the month of its publication in its title page but he remarks on the executions of the priests while being silent about Wakeman in the text.
[25] *Reformed Catholique*, p. 1.
[26] *Reformed Catholique*, pp. 7-8.

*Catholique* that "*Admiring the Traytours Constancy*" (presumably the five Jesuit priests executed that June) earned him and those who showed sympathy with the priests the accusation of being papists. He added that this admiration was a matter of "Natural Affection" and not mere opinion: "I must Confess *I do admire that Constancy*, and if I were to dye for so doing, I could not but *admire* it still: And these Impressions are Humane, and not to be resisted."[27] Later in the year and in 1680 he would remind his readers of the Catholics who fought for Charles I and aided his son, something propagandists for exclusion often denied, as a way of making a negative comparison with those Protestants who had fought on the side of Parliament, "the One side in favor of their Duty, according to the Law, and the Other against it."[28] Like his early tentative and oblique questionings of the plot, these assertions of the humanity of papists were first couched in these more equivocal terms when the frenzy was at its height, but as the tide began to turn in 1680, he began to be more effusive, praising them more openly as his criticism of the plot became more open. It was in 1680 that he recalled his stay in the household of the Cardinal of Hesse, where he was "as kindly received, as if I had been at my own Father's," and that he had "in diverse Extremities, receiv'd Offices of great Honour, Piety, and Humanity from People of that Perswasion."[29] Towards the end of the Exclusion Crisis, L'Estrange went so far as to say that "that I never met with any People since I was Born, of more Candour, Generosity, or in a Word, of better Morals, than among the Members of the Church of *Rome*," admitting that there was a "*Meddling,*

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[27] *Reformed Catholique*, p. 11.
[28] *The Answer to the Appeal from the Country to the City* (London: Henry Brome, 1679) Wing L1197, p. 18; see also his *Discovery Upon Discovery*, p. 9, where he says "Providence was pleas'd to make Some Loyall Papists the Instruments of delivering my Sovereign out of the Hands of Other Protestant Rebells."
[29] *Discovery Upon Discovery*, p. 9.

*Ambitious*, and *Turbulent* Mixture among them," but "that they are *Christians* and *Men*" for all that, and was by 1681 approving in print of a French Protestant writer's scheme for reunification with the Church of Rome, a position which lost him the good will of the Church of England he had earned in 1679 and 1680.[30] These kinds of sentiments, combined with his career as government censor and unofficial spy, fueled the accusation that he was a papist, and his sometimes laconic responses to this accusation did nothing to assuage his critics.[31]

If none of this sounds particularly extraordinary, one must recall the kind of rhetoric which emanated from the press regarding the threat of popery during the Exclusion Crisis.[32] Among the more learned and sober, the belief was firm that killing kings and murdering heretics was "necessarily consequent to the principles of that Church, that no Member of it, who thoroughly understands them, can, while they continue in that Communion, avoid the being involved in Conspiracies, as oft as a fit

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[30] The text in question was his *Apology for the Protestants* (London: T.B. for Henry Brome, 1681) Wing A3554, a translation of a French work, "To the Reader."

[31] For example, he says in *L'Estrange His Case in a Civil Dialogue Betwixt Zekiel and Ephrem* (London: Henry Brome, 1680) Wing L1204, that "I was never present at any Mass in any place whatsoever, since his Majesties Return; nor to the best of my memory, have been under the Roof of a Romish Chapel, since that time," p. 34. But he never explicitly denies having been at mass while in exile during the 1650s, a fact which Kitchin took to mean that likely did attend mass while he was in Cardinal Van Hesse's household, *Sir Roger L'Estrange*, p. 35.

[32] The following paragraphs are based upon a small sample (about forty or so pamphlets and sermons) of the literature produced during the period of the plot and the subsequent attempts at Exclusion, and so is necessarily selective and impressionistic (Mark Knights puts the number of titles published from 1678-80 at 4,000 in the Wing Catalogue alone, *Politics and Opinion*, p. 157). Most of the evidence presented here is drawn from Gunpowder Plot sermons or sermons on fast days proclaimed before Parliament, usually in conjunction with some discovery in regards to the plot, along with some of the more influential and usually more inflammatory pamphlets, so that the rhetoric presented here is not necessarily representative. More work could and should be done on the "Nasty Rubbish of Narratives, Trials &c.," as Roger North once termed it.

occasion presents itself," and that the "Terrestrial Universal Christian Monarchy" of the papacy rested "on three Legs, IGNORANCE and deceit, worldly INTEREST, and the SWORD and violence."[33] Memories of real or intended atrocities committed by Catholics, such as the Gun Powder Plot, the St. Bartholomew Day Massacre or the killings during the Irish rebellion in 1641[34] were recounted in endless tracts alongside imagined crimes, such as the supposed Jesuit plot that killed Charles I and the setting of the Great Fire of London in 1666.[35] These fears combined with terror of a French invasion made lurid descriptions of Catholic perfidy believable and explosive: papists were "Religious Butchers"[36] engaged in "*sacred Butchery*,"[37] who "are like the *Beast* in

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[33] Gilbert Burnet, *A Letter Upon the Discovery of the Late Plot* (London: Henry Brome and Richard Chiswell,1678) Wing B5825, 1-2; Richard Baxter, *Which is the True Church?* (London: Richard Janeway, 1679) Wing B1453, A3. See also John Tillotson, *Sermon Preached November 5th 1678 at St Margaret's Westminster, Before the Honourable House of Commons* (London: Margaret White, 1678) Wing T1321, p. 23; Henry Care, *The History of the Damnable Popish Plot* (London: 1680) Wing C522, pp. 2, 5. These three latter tracts cite the decree of the Fourth Lateran Council, which absolved subjects of their allegiance to heretical monarchs, though this decree did not claim that subjects could assassinate them, as some, such as Care, asserted was the case.

[34] *A Brief Account of the Several Plots, Conspiracies and attempts…of the Bloody Minded Papists* (London: J.R and W.A, 1679) Wing B4520, p. 1, 3; *The Protestant Conformist* (London: Thomas Parkhurst, 1679) Wing D68, pp. 3-4; *A Memento to English Protestants* (London: 1680) Wing M1568, "Preface"; *The Grand Apostacy of the Church of Rome* (London: Samuel Heyrick, 1680) Wing H1996, pp. 55-56.

[35] *Mirmah, or the Deceitful Witness* (London: Benjamin Billingsly, 1680) Wing R219, pp. 18-19; Care, *History*,pp. 59-60; *The Protestant Conformist*, pp. 3-4; Charles Blount, *Appeal from the Country to the City* (London: 1679) Wing 3300, p. 10. There were several fires in and around London in 1678-79, and blame naturally fell on Catholics. Several whole tracts were devoted to this theme, among them *London's Flames* (London: 1679), *The Papist Plot of Firing Discovered* (1679) Wing P318A, and *The Jesuits Firing Plot Revived* (London: Langley Curtis, 1680) Wing J715, to name a few. Another, *An Impartiall Account of the Severall Fires…Begun and Carried on by Papists* (London: 1679) Wing B1676A, was published by William Bedloe, a petty criminal and one of the main "witnesses" who testimony helped fuel the investigation of the plot in the courts, who evidently wanted to make some money from his notoriety with his tract.

[36] Francis Gregory, *The Religious Villain: a Sermon Preached Before the Right Honourable Robert Clayton, Knt., lord mayor of London, and the Court of*

the *Apocalypse* that *kills* who will not *receive his mark in their foreheads, nor worship his image*."[38] The conspiracy against Protestant England was comprised of "men of all Professions and almost of all Nations, to carry on the work…all have been deeply Plotting against us"[39]; God fearing English Protestants therefore "are threatened with the return of Popery upon the Kingdom…and all the sincere professors of the Truth of the Gospel in every corner of the Land Massacred, Burnt, Racked, Tormented, because they will not receive *the mark of the beast in their forehead*."[40] If the papists were allowed to reestablish Catholicism, then "Blood and Rivers of Blood must be spilt… the whole Nation must be destroyed,"[41] as there will be "Troops of Papists, ravishing your Wives and Daughters, dashing your little Children's brains out against the walls, plundering your houses, cutting your throats, by the Name of Heretick Dogs…in fine, what the Devil himself would do, were he here upon Earth, will in his absence infallibly be acted by his Agents the Papists."[42]

What is significant about the rhetoric of these sermons and pamphlets, and which makes them relevant for our discussion of L'Estrange, is not necessarily their extremity (which was not universal) but because their antipathy to popery often manifested itself in terms redolent of office, and of Ciceronian emergency. For some it seemed obvious that

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*Aldermen, upon the fifth day of November, 1679* (London: Sam Lee and Daniel Major, 1679) Wing G1903, p. 32.
[37] Care, *History*, p. 4.
[38] Thomas Wilson, *A Sermon on the Gun Powder Treason* , p. 8.
[39] *The Deceitful Witness*, pp. 19-20.
[40] William Jane, *A Sermon Preached on the Day of Pubic Fast April 11th 1679, at St Margaret's Westminster, Before the Honourable House of Commons* (London: Henry Brome and Richard Chiswell, 1679) Wing J456, p. 47.
[41] *A Seasonable Advice to All True Protestants in England* (London: T. Fox, 1679) Wing D63, p. 11.
[42] Blount, *Appeal*, pp. 2-3.

"our duty… is first to hate and oppose the Popish, and to embrace and keep close the Protestant religion," a duty incumbent on all "in whatever relations we are, be we either Magistrates, Ministers, or private Christians."[43] This duty to oppose popery was not only the office of public figures, but the duty of the entire nation: since papists were an "Antichristian and…Blood-thirsty Tribe" that sought to "subvert True Christianity and…the peace of humane society," it was "the *duty* of all National Churches and Universities publickly *by solemn Decrees* and Protestations, if not by Excommunication, to condemn, renounce and detest them; and of all private Christians by abstaining from their Communion."[44] This language was of course not an unconscious response, but also a strategy on the part of some who took advantage of the wave of anti-Catholic sentiment to press for changes they sought in Church and State. Several writers called for reconciliation between Nonconformists and the Church of England, among them Richard Baxter,[45] who complained that Nonconformists were being pushed away unnecessarily, while others attacked Church of England bishops for their "tyranny,"[46] or for the "popery" of making outward observances legally required, and who "under the pretence of Law…break all the Laws of God, Nature, Duty and Relation."[47] Defenders of the Church of England also berated Dissenters with this rhetoric, as did one who declared that the "Sin of Non-Conformity is so much more heinous, because they know their Duty,

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[43] *The Grand Apostacy*, pp. 63-64.
[44] Care, *History*, p. 353.
[45] Baxter, *The Non-Conformists Plea For Peace* (London: Benjamin Alsop, 1679) Wing B1319; *The Protestant Conformist*, pp. 7-8;
[46] *Omnia Comesta à Bello* (London: 1679) Wing O291, pp. 6-8. This tract was singled out by L'Estrange for condemnation in his *Freeborn Subject*, pp. 16-30.
[47] *Popery and Hypocrisy Opened and Detected from the Holy Scriptures* (London: 1679), Wing P252, pp. 9, 36.

and refuse to practice it."[48] Other writers, particularly preachers, found more inventive ways to utilize the plot and strike a blow against the immorality of the age, as one did who wrote "there is another plot against the King… Every wicked man is a Traitor to his Prince and Country, and by *his doing wickedly* provokes *God to consume him and his King*…every man that allows himself in a wicked course of life, is in conspiracy for the ruin of the Nation."[49] Clearly, both the Plot itself and the way such language of office was deployed indicated how varied were the intentions of those crying up the reality of the "plot," and one must not read them as a uniform, spontaneous response.

Perhaps most importantly, this language also appears in some of the tracts that were published before the elections for the first of the Exclusion parliaments in 1679, and most of the themes mentioned so far are present in these pamphlets, but two qualities distinguish them from the general run of anti-popery tracts: an explicit Ciceronian appeal to a state of public emergency and an espousal of parliamentary or popular involvement in politics. Writers warned electors of "their *Danger* and *Duty*," in order to save "England from the Designs both of *Rome* and *France*" but also of those who encourage the idea of the "*Absolutely Absolute Power* in the Prince" and denigrate the power of Parliaments.[50] Because the emergency was so grave, it "is but your reasonable service, *Nemo sibi nascitur partem patria, partem Parentes, partem Amici*, all are concerned,"[51] and therefore it was "the Duty of the People, to choose such as are well known to be Men

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[48] *Seasonable Advice to All True Protestants*, p. 37.
[49] William Shelton, *Divine Providence the Support of Good Men* (London: Nathaniel Ranew and Jonathan Robinson,1680) Wing S3098, p. 28.
[50] *A Seasonable Warning to the Commons of England* (London: 1679) Wing S2248, p. 1; *Sober and Seasonable Queries to all True Protestants In England in the Choice of a New Parliament* (London: 1679) Wing S4402, p. 1.
[51] *The Countries Vindication* (London: 1679) Wing C6573, p. 4.

of Good Conscience and Courage, thoroughly Principled in the Protestant Religion."[52] This also meant that "that we be secur'd from *Popery* and *Slavery*, and that *Protestant-Dissenters* be eased," by the election of true Protestants who would grant toleration, because otherwise "that Principle which introduces Implicit Faith and Blind Obedience in *Religion*, will also introduce Implicit Faith and Blind Obedience in *Government*."[53] Others went beyond asking toleration for Dissenters, openly criticizing Anglican clergy as "Ceremony Mongers" and "Ritualists," who "ought to be esteemed by all Lovers of their Countrey, as publick disturbers of its peace and welfare," even declaring that to expose them as such was "a duty incumbent on us, in this time of publick danger."[54] These types of short squibs were calculated to rile up the godly against the government, utilizing the same Ciceronian language of office and public emergency that L'Estrange made use of during the struggle to restore the monarchy in 1660. Only this time the villains were those who "Arraign the *Justice* of the whole Nation, in denying that horrid and devilish Plot,"[55] as only true Protestants were fit for the great office of pursuing the plot in Parliament, and one could easily identify the enemies of true Protestantism because they scoffed at the plot, "*Disgracing the Evidence, Admiring the Traytours Constancy*."[56] It was these types of pamphlets that most infuriated L'Estrange, as he directly attacked this idea in *The Reformed Catholique*. This would also comport with Mark Knights analysis of the election pamphlets, which stressed that it was attacks on the Court which occupied the minds of those calling for reform, utilizing the persona of the

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[52] *Sober and Seasonable Queries*, p. 3.
[53] *England's Great Interest in the Choice of This New Parliament* (London: 1679) Wing 1278A, pp. 1,4.
[54] *The Freeholder's Choice* (London: 1679) Wing F2114, p. 2.
[55] *A Seasonable Warning*, p. 2.
[56] *England's Great Interest*, p. 4.

profligate and corrupt courtiers and pensioners from the court, implying the abuse of the office of counselor, rather than calls for Exclusion.[57]

It is important to recognize the significance of the complaints of Henry Care and other of the Whig pamphleteers who accused L'Estrange of impugning the King's witnesses because he questioned the plot. This tactic was obviously meant to sway people's emotions, but it also touched a chord in that it touched on the King's Justice, and therefore the King's conscience. The fact that the presiding judge at the trials, Sir William Scroggs, was chief Justice of King's Bench, whose origins as a court attached to the monarch's person[58] and concerned with offenses against his person, certainly supports this. It was noted in the previous chapter how Francis Smith, a Baptist preacher and Whig printer appealed to the jury to act according to conscience, but Scroggs himself often instructed the jury in the Plot trials in the same way, declaiming on the heinous nature of the Plot and the evils of popery.[59] As Kenyon noted, the purpose of treason trials in the seventeenth century was not to determine the truth of the matter but to reassert the authority of the crown, and one can easily see this as another extension of the King's "conscience."[60] Scroggs was a staunch royalist but found himself with the opposition at the beginning of the Plot trials, but after the acquittal of George Wakeman

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[57] Knights, *Politics and Opinion*, pp. 206-209.
[58] Ralph V. Turner, "The Origins of Common Pleas and King's Bench," *The American Journal of Legal History*, Vol. 21, No. 3, (July 1977), pp. 238-254. Though the King's Bench was not a "court of conscience," it did occasionally act as a court of appeal. See Louis A Knafla, "Conscience in the English Common Law Tradition," *The University of Toronto Law Journal*, Vol. 26, No.1, (Winter, 1976), p. 1-16.
[59] *A Complete Collection of State Trials & Proceedings for High Treason & Other Crimes and Misdemeanors from the Earliest Period to the Year 1783*, Vol. VII, ed. William Cobbett and T.C. Howell (London: T.C. Hansard, 1816), pp. 311ff., 595ff., pp. 702-3; Kenyon, *Popish Plot*, pp. 201, 213.
[60] Kenyon, *Popish Plot*, pp. 132-33.

Shaftesbury and the opposition in Parliament turned on Scroggs, and eventually tried to have him impeached about the same time that L'Estrange was being called before the Parliamentary committee which investigated the plot.[61] The battle over the control of the "*Justice* of the whole Nation" was also a battle over the conscience of the realm as well, and why the whole episode was a boon to those such as Shaftesbury who wanted to alter the succession: popery was a threat not just to the individual conscience of ordinary Protestant, but also to the conscience of the state itself, since the pope was believed to have claimed dominion over both.

This connection between the law and conscience can be gleaned from the popularity of printed accounts of the trials. The first public notice of Oates' accusation and subsequent testimony before Parliament in 1678 set off a wave of printed narratives and accounts of the subsequent trials, executions and scaffold speeches of the condemned, narratives and "relations" of the plot; one anonymous contemporary compiled a list of books, pamphlets and sermons printed from the time the "Plot" first became public knowledge in September 1678, to September 1680, and in his list there were over one hundred and forty titles which relate in some way to plot trials or plot narratives.[62] Some of these are by the witnesses who fabricated the plot in the first place,

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[61] Lois Schwoerer, "The Attempted Impeachment of Sir William Scroggs, Lord Chief Justice of the Court of King's Bench," *The Historical Journal*, Vol. 38, no. 4, (Dec. 1995), pp. 843-873.

[62] *General catalogue of all the stitch'd books and single sheets &c. printed the two last years, commencing from the first discovery of the Popish Plot (September, 1678) and continued to Michaelmas term, 1680* (1680) Wing G496. I counted 142 titles, some of which do not directly mention the plot but only "narratives" or relations of Old Bailey sessions or Assize sessions, but which seem to trade on the excitement of the plot trials. Even if one excludes them, there would still be well over a hundred titles relating to the plot. The real number might be higher, since many pamphlets that would trade on their association with the plot or the plot trials might not use either word in the title itself.

most obviously Oates but also Miles Prance, Stephen Dugdale, William Bedloe, the other main "witnesses" to the plot, but also less inventive liars such as Robert Bolron, an informer who gave testimony against Sir Thomas Gascoigne in Yorkshire; Bolron published a tract called *The Papists Bloody Oath of Secrecy* that reproduced a spurious "secret" oath which Jesuits allegedly took binding them to assassinate the king, reprinted alongside what purports to be the oath of allegiance which Jesuits swore to the pope for good effect.[63] The importance of the legal system to the whole period from 1678 to 1681, particularly in terms of its role as an object of the press, has long been recognized, one historian going so far as to call the period as a "crisis of the law."[64]

All this helps us understand why L'Estrange chose to emphasize the humanity of the executed Jesuit priests. He did this partly out of genuine feeling for his Catholic friends, but it also reinforced his main point: those pamphleteers crying up the power of parliament and the power of the people in such extreme ways were incapable of recognizing their basic duties as subjects, since they could not recognize their basic duties as human beings. When it was safe to do so, he made this connection explicit; as he explained in 1680, since Catholics "are men too, there are Indispensable Offices of Humanity due from One man to Another; and then there are Certain Considerations of Alliances, Acquaintances, and Society, which we cannot wholly divest our selves of, without a violence to the very Instincts of Reasonable Nature, and degenerating into Beasts."[65] Whig writers in return were saying similar things about L'Estrange's party,

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[63] Robert Bolron, *The Papists Bloody Oath of Secrecy* (London: Randal Taylor, 1680) Wing B3502, pp. 5-8; on Bolron, see Kenyon, *Popish Plot*, pp. 225-226.
[64] Lois Schwoerer, "The Attempted Impeachment," p. 847; Lois Schowerer, *The Ingenious Mr. Henry Care* (Baltimore, MD: Johns Hopkins UP, 2001) Ch. 5.
[65] *Discovery upon Discovery*, p. 27.

that their doctrines of passive obedience in the State and Episcopal supremacy in the Church destroyed the bonds of amity between Englishmen, undermining order and liberty, and so forth.

The different ways in which L'Estrange and his opponents deployed this nearly identical common language point to the futility of attempting to identify some sort of stable "public" which was being engaged by this effusion of printed material, since the very legitimacy of who could act as a public person was the very thing at issue in the conflict. In this regard it is worth noting one last aspect of the Popish Plot trials. Though the fear of popery was widespread, the execution of Catholics took place mainly in London. According to John Kenyon, only a few areas outside of London saw Catholic priests executed, and this was mainly due to local rivalries between the gentry in places such as the Welsh Marches, where the Marquess of Worcester's interest, which included Catholics, had clashed with the local Protestant gentry going back to the civil wars.[66] Moreover, Catholic priests executed in the provinces rarely suffered the full sentence for treason, as the local population often would not allow them to be drawn and quartered, and even buried them in Protestant churchyards (the five Jesuits executed in June of 1679—those whose "constancy" L'Estrange admired—are buried in the church of St. Giles-in-the-Fields in the London, along with L'Estrange himself).[67] In Yorkshire, the local Protestant gentry largely came out in defense of their Catholic neighbors at these

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[66] Kenyon, *Popish Plot*, p. 274, 244. According to Kenyon, only six priests were executed in the provinces, pp. 204-5. There is also some indication that the "Plot" was used to further local quarrels in Gloucestershire; see Dan Beaver, "Conscience and Context: the Popish Plot and the Politics of Ritual, 1678-82," *The Historical Journal*, vol. 34, no. 2 (June 1991), pp. 297-327.

[67] Kenyon, *Popish Plot*, pp. 206-7.

trials, including Sir Thomas Yarborough and his wife—both friends of L'Estrange[68]—effectively preventing the government from prosecuting priests there.[69] More than this, the plot was never really a factor for the rebellion in Scotland that flared up in the summer of 1679; even though Oates had claimed the Jesuits were planning a Presbyterian rising there, the Covenanters of 1679 seemed not to have made any thing of it.[70] What this suggests is that the whole episode of the "Plot" was mostly a London phenomenon, and not a "national" response. In some sense this is not surprising, since the main courts of justice were located in London. But then that was L'Estrange's point: the Catholics were largely collateral damage in a war for power, not for principle. He was wrong about his enemies not having any principles, but that they were aiming primarily at power and not at the well being of the "public" is hard to doubt, for as he put it, the people "look as if they were not called upon, so much for their *Opinion*, as for their *Help*."[71] By contrast, in emphasizing the basic obligations of every subject, the "Offices of Humanity," he was making his own bid to speak for the nation, and his campaign against the plot illustrates the ambiguities and contradictions inherent in that attempt.

**III. The Persona of a Popish Successor**

L'Estrange himself became an issue once he began writing against the plot in 1679, and so it is worth considering the effect of printing on both the dissemination of his writings, and how it may have altered the tacit assumptions about the nature of public and

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[68] There are several letters in the British Library from L'Estrange to both Sir Thomas & Lady Yarmouth, BL Add. MS. 27448, 296, 306, Add. MS. 36988, 168, 237.
[69] Kenyon, *Popish Plot*, p. 227.
[70] Kenyon, *Popish Plot*, p. 224.
[71] *The Case Put Concerning His Majesty's Succession* (London: Henry Brome, 1679) Wing L1206, p. 6.

private offices that were so crucial to his identity. Especially as he now had a nearly thirty year career behind him, his persona could become, to London Whigs at any rate, a matter of printed pamphlets, reifying in an accessible way those very assumptions about the nature of office that he, so singularly among his contemporaries, made explicit. And the more texts he published criticizing the Plot, the more his own persona became identified with those texts, the more he had to defend them, the more L'Estrange began to develop something like a "print persona," but one which was largely crafted by his enemies as a means of attacking him. The importance of personae and their contested definition becomes apparent in L'Estrange's case when one recalls that, by 1679, the succession had become an issue in Parliament, and so the character or persona of the potential successor became an object of debate as well. The furor over the Plot gave the opponents of the Duke of York and the King an opportunity to make an issue out of the heir apparent to the throne and his detested religion, and so extend the constitutional conflict even further between king and parliament. A slight detour to examine the evidence for what this campaign against James Duke of York look liked will help us understand the dire circumstances in which L'Estrange eventually found himself in 1680 as he attempted to undermine belief in the Popish Plot.

Pamphlets first began to appear in 1679 warning of the consequences of a popish successor, as has been noted. In that year and through 1682 supporters of Exclusion claimed that past experience proved England could not endure a Popish successor. Several "memoirs" or histories of the reigns of Mary Stuart and Mary Tudor were published in order to demonstrate what would happen upon a popish successor's coming

to the throne, namely the slaughter of Protestants and the confiscation of their estates,[72] and occasionally an emblem, such as the one entitled *A Scheme of Popish Cruelties*, surfaced to depict in images the slaughter, rapine and slavery that would follow under a "Popish Successor."[73] Appealing to historical and legal precedent, pamphlets argued back and forth over whether it was right to deny James his inheritance, or whether it was better for a "Protestant…to suffer Prison or a Fine under a Protestant King and Parliament than to be burnt under a Popish Successor," since to many this seemed to be the essence of Popery.[74] The imminent danger to the kingdom of a Popish successor justified departure from the line of succession, and it is no coincidence that Filmer's *Patriarcha* was published in 1680 after Exclusion became an issue.[75] Those who

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[72] *Memoirs Of Queen Mary's Days* (London: 1679) Wing M1669, pp.3-4; *An Account of Queen Mary's Methods for Introducing Popery…Seasonable to Published in a time of Imminent Danger* (London: John Gay, 1681) Wing S150, pp. 11-12; *A Brief History of the Life of Mary Queen of Scots* (London: Thomas Cockerill, 1681) Wing D57, pp. 1-2; *England Enslaved Under Popish Successors*, (London: Jonathan Wilkins, 1681) Wing E2932, passim. Another pamphlet, published in 1682, recounted the life of Richard Duke of York, though does not make reference to the Succession, *An Impartial Account of Richard Duke of York's Treasons and the Several Arts…Made Use of by him for the obtaining of the Crown of England*, (London: Allen Banks, 1682) Wing I64.

[73] *A Scheme of Popish Cruelities, or A Propsect of What We Must Expect Under a Popish Successor* (London: N. Tomlinson, 1681) Wing S864B.

[74] *Great and Weighty Considerations Relating to the D, or Successor of the Crown,* (London: 1679) Wing G1660, p. 2; *The Protestant Admireror, An Answer to the Vindication of a Popish Successor* (London: 1679) Wing P3819, p. 2; *A Word Without Doors Concerning the Bill for Succession* (London: 1679) Wing D49, p. 4; *Fiat Justitia, & Ruat Caelum* (1679) Wing F485, p.2; *Some Observations upon the Tickling Querie, Whether the Admitting of a Popish Successor, be the Best Way to Preserve the Protestant Religion* (London: Joanna Brome, 1681) Wing S4542, pp. 1-2; John, Baron Somers, *A Brief History of the Succession Collected Out of the Records, and the Most Authentick Historians*, (London: 1681) Wing S4638, pp. 15-19; Robert Brady, *The Great Point of Succession Discussed* (London: H. Rodes, 1681) Wing B4191, pp. 1-3, 32-38; Robert Brady, *A True and Exact History of the Succession*, (London: Cave Pulleyn, 1681) Wing B4195, pp. 1-2, 44.

[75] *A Just and Modest Vindication of his Royal Highness the Duke of York* (London: Thomas Benskin,1680) Wing J1222, cited him as an authority, p. 14.

defended the Duke of York pointed to his exploits as a military officer in the first Dutch War,[76] while others noted his "Personal Services, his Quality, Right of Blood, his Brother's Virtues, his Father's Memory and Merits, and a Rightful Title from above 600 years" in defense of the Duke.[77] One writer even appealed to self-interest in his defense: princes were motivated by profit, not revenge, and the Duke was "wiser than to make tryal of the Experiment" in absolute monarchy, knowing the commotions that would ensue if he did.[78] One gets the impression that these writers who were sympathetic to him defended the Duke's hereditary right to the crown more earnestly than the man himself.

Most of the writers arguing for Exclusion played up the lurid characteristics of the personae associated with popery, but some attacked the Duke of York directly. Some argued that even if there could be a papist who wouldn't enslave the kingdom (a dubious proposition), "we have little Reason to believe *James* Duke of *York*, to be a person of that temper and moderation, that we ought to in a matter of this consequence and importance to rely upon him," he being certain to revenge himself upon those who tried to disinherit

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[76] *A Faithful Compendium, of the Birth, Education, Heroick Exploits & Victories of His Royal Highness the Illustrious Prince James, Duke of York* (London: 1679) Wing F268A, p.3; *A Letter from a Person of Quality in Scotland to a Person of Honour in London, Concerning His Royal Highness the Duke of York* (Joseph Heathcoat, 1681) Wing L1424, p. 2. One anonymous pamphlet, printed by Richard Janeway, a Whig printer hostile to the Duke, was misleadingly entitled *Memoirs of the Most Remarkable Enterprises and Actions of James Duke of York, Albany, and Ulster* (London: Richard Janeway1681) Wing M1672. It related his military exploits up through the Dutch war, but spent the last half of its pages describing the Duke's involvement in the Popish Plot, relaying the testimony of Stephen Dugdale, in an obvious attempt to discredit the Duke's military service, pp. 6-12.

[77] *A Just and Modest Vindication* p. 5.

[78] *The Nation's Interest, in Relation to the Pretensions of His Royal Highness, the Duke of York* (London: James Vade, 1680) Wing N237, pp. 33-34.

him now anyway, as he was already "an open Enemy" to the nation;[79] the aim of the Exclusion bill, explained one writer, was to save the king's life "by disabling the next Successor that brings it in danger."[80] Others attacked him for apostasy from the Church of England; one declared his incredulity that someone of James' "Elevated understanding" could have "espoused this Mock-Religion for its own sake," but must have done it "for some promised Dowry of Absolute Monarchy, or Arbitrary Power."[81] One pamphlet printed what purported to be letters from his father-in-law, Edward Hyde, concerning the conversion of his first wife Anne to Catholicism. Hyde apparently wrote in his letter that he did not wish that Catholics be "prosecuted with severity; but I less wish it should ever be in their power to be able to prosecute those who differ with them, since we well know how little moderation they could or would use."[82]

This particular line of attack was interesting, in that it suggested a dereliction of duty on James' part by allowing his wife to become Catholic, a failure of his duty as husband as well as a Christian. And this criticism, one should note, was aimed at what would be a private, personal relationship in modern terms, but was not in seventeenth century England. This is because the office James would inherit, that of king, transcended private/public distinctions, and there are tantalizing hints in a few pamphlets that what opponents of Exclusion wanted to do was reduce the Duke to the status of a

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[79] *A Letter from a Gentleman in the City to One in the Country* (London: 1680) L1390, pp. 9-10, 14.
[80] Thomas Hunt, *The Great and Weighty Considerations Relating to the Duke of York or Successor of the Crown*, (London: 1680) Wing H3752, p. 5.
[81] *A Letter to His Royal Highness the Duke of York. Touching his Revolt from, or Return to, the Protestant Religion* (London: William Inghall, 1681) Wing L1707, p. 6.
[82] *Two letters written by the Right Honourable Edward, Earl of Clarendon, late Lord High Chancellour of England: One to His Royal Highness the Duke of York, the Other to the Dutchess, Occasioned by Her Embracing the Roman Catholick Religion* (1680) Wing C4429, p. 1.

private person. As one writer put it, "the Succession of the Crown, and a common Descent much differ, for if an Heir that's a Subject prove loose and debauched, it little damages the Publick…the damage is still but private to this own Family; but in case of the Crown, there is none so senseless bust must needs conceive…the whole Nation must inevitably suffer."[83] It was, as Thomas Hunt wrote, "for the sake of this High Trust and the Dignity of this Office his Person [the king's] is most Sacred and Inviolable." But this is only because the king-in-parliament had to keep "the establishment and security of the Government" from being subverted; the power of keeping order "can be no more wanting in Governments than we can be without Government: That which establishes the one (which is the Law of God declar'd in the Make and Frame of Humane Nature) affirms and allows the other." This was why the Exclusion bill was necessary, according to Hunt, to preserve public order from the threat of popery.[84] One potential implication of such arguments was that if the Duke, or implicitly Charles II, did not fulfill the expectations of a kingly persona and allowed popery to subvert the government, the man himself could be separated from that office.

That one could use this justification for disposing of the Duke as heir to dispose of the king as sovereign was not lost on L'Estrange. He addressed the issue of the Duke of York and the succession twice, the first time in late 1679, with a pamphlet called *The Case Put Concerning the Succession*. In it, he interestingly avoided the legal question of whether or not the succession could be altered by the Parliament ("there are *Presidents* on *Both Sides*; and *Objections* also on *Both Sides* to those *Presidents*"), but claimed that as a

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[83] *Pereat Papa: or Reasons why a Presumptive Heir, or Popish Successor Should Not Inherit the Crown* (London: 1681), pp. 2-3.
[84] Hunt, *Great and Weighty Considerations*, p. 17.

"Matter of *Conscience*" and "*Natural Affection*" there was "a Brother; a *Prince*; and a *Friend* in the Case: as Person that has as frankly ventur'd his *Bloud*, for the *King*, and his *Country*, as the meanest Subject in His Majesties Dominions." And as for "Reason of State," the king should, if he detected anything in the Exclusion bill contrary to the "*Peace*, and *Security* of his *Government*, and *People*…put a Stop to any such *Bill*."[85] L'Estrange admitted that it "must take the work of a *Casuist*, as well as of a *Common Lawyer*, to decide this *Controversie*," but noted of "the *Two Cases* of *Disinheriting* the *Duke* and *Deposing* the *King*" there was little "Difference betwixt *them*: that the *One* is to be done *Forthwith*, and the *Other* MAY be done (when the people please) at *Leisure*."[86] For L'Estrange, opening up such a subtle dispute to the people at large was a disaster waiting to happen, for there was a "great difference betwixt the *Counsels* of *Factious Times*, and of *Peace*," and in such turbulence one could easily confuse "*Inviolable Resolutions*" with "*Temporary Shifts*, which are only Invented to serve a *present Turn* of *State*."[87]

Over a year later he published his second pamphlet on the succession, *The Character of a Papist in Masquerade*, in March 1681, just as the Parliament was about to meet at Oxford. At the time, the issue of Exclusion seemed to be coming to fruition, though the king would later surprise his opponents by dissolving the Parliament altogether at Oxford. L'Estrange's pamphlet was a reply to another published by the playwright Elkanah Settle, entitled *The Character of a Popish Successor*. Settle identified James as the root of all England's troubles: "What is this *Popish Heir* in the

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[85] L'Estrange, *The Case Put Concerning the Succession,* pp. 17-18.
[86] L'Estrange, *The Case Put*, p. 17, 22-23.
[87] L'Estrange, *The Case Put*, pp. 2-3.

Eye of *England*, but perhaps the greatest and only Grievance of the Nation?" Settle argued that for "Every Good Man" it is "his Duty bear a part in a Choice so universal" against a popish successor, and that "it is the Duty both of a *Christian*, and an *Englishman*, to unravel the Treachery of those False Arguments" spread by "people daily flattering and deluding us into a false and fatal Security," that a popish successor would not be a threat.[88] Settle thought it certain that the kingdom would be reduced to popish enslavement under James, "for whilst he believes the *Pope* to be *Christs* Lawful Vicar, and that that Office includes the Ecclesiastical Supremacy, no doubt but he'll think it as much the Duty of his *Christianity* to give the Pope his Right," and so for a Protestant kingdom whose "Religion, Lives and Liberties are onely held by a Protestant Tenure," for the Duke to sett up the "Pope's Jurisdiction in *England*, undoubtedly in the Eye of God he is guilty of a greater Sin, than that people can be, that with open Arms oppose that Tyranny."[89] Things had obviously gone much farther than they had in 1679. Settle was willing to declare James "guilty of High Treason" (he cited the Elizabethan statute that made abetting conversion to Rome a treasonable offence) and to insist on the people's right of "Taking arms against that Tyranny" which James would inevitably set up, claiming hyperbolically that even if there were no Popish Plot, and "Providence has decreed us a Papist and a Bigot for a King," a popish Successor would still be "the greatest *Plot* upon *England* since the Creation."[90] God and the nation had spoken against

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[88] Elkanah Settle, *The Character of a Popish Successor* (London: Richard Janeway,1681) Wing S2672, pp. 10, 1.
[89] Settle, *Popish Successor*, pp. 4, 17, 21-22.
[90] Settle, *Popish Successor*, pp. 14-15, 22. For the Elizabethan Statute, see Elton, *Tudor Constitution*, pp. 431-433.

the possibility of a popish successor, both, apparently, in a very Ciceronian idiom of public emergency, at least according to Settle.

*Character of a Papist in Masquerade* turned the accusation of tyranny and religious violence back against Settle, as he had against so many opponents before. He commented that *Character of a Popish Successor* was "an excellent piece of this kinde, if it had not too much *Sublimate* too it; I have heard of some people, that, with only holding their Noses over it, but one quarter of an hour, have run stark mad upon't: And when this Fume has once taken the Brain, there's nothing in the Word, but the *Powder of Experience* (the Remembrance of Things Past) to set a man Right again." But more seriously, he disputed the persona of James that Settle had depicted, stating that he "has made the *Figure* of the *Successor* too Frightful, and enormous; Sawcer eye'd and Cloven-footed" to be believable. L'Estrange complained that Settle did not set out any actual arguments about why popish beliefs are dangerous; Settles' "dilating himself thus upon his Character, and striking to point-blank at the *Rescinding* of the Succession, makes men apt to imagine, that his *Pique* may be rather to the person, then the *Religion*."[91] He attacked Settle for degrading the person of the Duke, and, though he claimed he believed Catholic principles were inimical to the king's authority, went out of his way to emphasize the humanity of James but also of other Catholics. Referring to Louis XIV's treatment of French Protestants, he wrote "the Protestants have now and then been severely handled I know in *France*; as the *Papists*, upon some Junctures, have been in *England*; and now of late worse than usual, all which has been influenced by Reasons of State, as by Impulse of Religion." It was unfair to say that James could not keep faith

[91] L'Estrange, *The Character of a Papist in Masquerade* , pp. 1-2.

with Protestants, because then "he must be umann'd, as well as Unchristian'd; an Excommunicate to Humane Nature, and excluded from all the Offices and Benefits of Mankind." L'Estrange went on to say that the chimera that Settle had dreamed up in his mind existed "in Flesh and Bloud" only in the "*Jesuitical Successors* of *Knox*, and *Buchanan*; and the Spawn of that King-killing race."[92] L'Estrange repeatedly insisted that it was the Duke's person and not his religion that Settle was after, but also repeatedly insisted on the humanity of Catholics, going so far as to defend Mary Tudor against an accusation of torture; he further declared, in response to Settle's assertion that no Catholic can be trusted to keep their oaths, that "I neither do nor can believe all Papists to be equally susceptible of that Uncharitable Impression. It is a Position that may be of use at a Dead Lift, to serve a Political Turn."[93] By defending the humanity of Catholics and of the Duke, he was trying to turn the accusation of subverting the government back at Settle, by ridiculing his fantastic picture of a potentially Catholic monarch and emphasizing how much his hyperbole violated the basic "offices" of human society.

And so L'Estrange defended the Duke the way that he normally defended himself, by turning Settle's delineation of the specific character of a "popish successor" into an interrogation of Settle's persona as a human being—that he failed to live up to its expectations in calumniating the Duke. But he was also pressed into making different arguments than he had made before, including the assertion that "*Kingly* Government was at first called *Patriarchal*," and that's Adam's had originally been a "Fatherly and Governing Office," sentiments likely derived from Filmer, whose *Patriarcha* had been

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[92] L'Estrange, *Papist in Masquerade*, pp. 18-21, 6-11.
[93] L'Estrange, *Papist in Masquerade*, pp. 26-28.

published the year before in 1680.[94] But as previously noted, L'Estrange was already using patriarchal metaphors to refer to the monarchy as early as 1679, which shows that he, like others, were already searching for alternative justifications for his political stance. More than this, in the course of deriding Settle's confusion of "*Civil Power* and *Religion*," he comes very close to reducing religion to individual conscience, and removing it from the realm of order altogether:

> "*Government* is a matter of Publique and External Order, and a Divine Provision for the Peace, Comfort and Security of Mankind: wherein all the several parts are bound up in one Community, to attend the Interest and Conservation of the whole. Whereas *Religion* is the business of every individual apart, and only so far cognizable in a State, as it affects the Civil Power…Beside that Government is Gods Ordinance for the common benefit of Human Society, and of *Pagans*, as well a *Christians*, without any regard to this or that *Religion*: for *Bodies Politique* have no *Consciences*; but every *particular* indeed, stands or falls to his own master.[95]

This is an extraordinary statement, given L'Estrange's prior effusions about the king having the right to impose religious ceremonies back in the early 1660s. It might suggest a major shift in his thinking, and he will utter statements later in the 1680s which reinforce this impression; but one should be cautious with that interpretation. L'Estrange put forth many arguments in the heated polemic of the Exclusion Crisis, and was after all not really concerned with consistency, but effectiveness, so it is debatable how seriously one should take his assertion that "*Bodies Politique* have no *Consciences*," especially as he would continue as Surveyor long after the Exclusion Crisis was over. Just because he had, momentarily, abandoned that justification for government suppression of religious dissent did not mean he wanted to abandon the practice of it. Still, it is evidence of how

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[94] L'Estrange, *Papist in Masquerade*, p. 78.
[95] L'Estrange, *Papist in Masquerade*, p. 56.

the debate over the succession forced even the very conventional L'Estrange to seek novel ways of defending his position. More to the point, the reason why L'Estrange may have felt compelled to deny the government had a conscience could have been because of James—it was one thing to argue for it when a Protestant was on the throne, but having an openly Catholic monarch might have been too much even for L'Estrange to countenance in that regard, even if he admired James personally.

One can see in this consideration of how pamphleteers depicted the Duke of York the importance of personae to the crisis of 1678-1681; the capacity to fulfill the duties expected of a Protestant king was the measure of fitness or unfitness for that office. What the attempts to depict James Duke of York as a violent, tyrannical ruler did was to reinforce fears about his capacity to fulfill those duties, to destroy trust in him among members of Parliament who were debating whether or not to exclude him from the throne—and likely to destroy trust in the king as well. Convincing parliamentary members that he was a menacing papist was a way of turning perception of him from that of a public officer into a public enemy, one whom the law could punish as a threat to public order, much as the Jesuit priests had been. This helps explain the situation in which L'Estrange found himself in 1679-80: the Plot hysteria gave Shaftesbury and his allies the power to destroy anyone they could convincingly depict as a papist, and this is what threatened L'Estrange as he began to fight against their propaganda. It is important now to consider the role of the press in making this state of affairs possible.

**IV. Narrative & the Exigencies of Persona**

To return to our narrative of L'Estrange's activities, after publishing *Reformed Catholique*, he began his campaign to impugn the plot by "hints and slanting": he

published his own account of the treason trials through the summer of 1679, *The History of the Plot*, which he claimed was based on his own hand-written notes. The preface acknowledged the plot's reality but decried the demand to believe every accusation or be labeled a papist or "Popishly Affected," and he hinted in the preface that this type of branding was only a stratagem to undermine the government, for "*if there were not a* Roman Catholick *left in the three Kingdoms, they would be never the better satisfied; where they cannot* find *Popery, they will* make *it*." Thus he could not "do his Countrymen a better Office" than to render an account of the government's actual proceedings against the supposed plot.[96] This preface was cited by Henry Care as being a "Part of the grand Popish Designe" to "Drown the Plot," and Care would answer with his own *History of the Damnable Popish Plot* in January 1680. Parliament meanwhile, though it had been elected and met in early July, was dissolved by the king and another called to meet on October 7. It was likely around this time that L'Estrange penned *The Freeborn Subject; or The Englishman's Birthright*, asserting that though a subject had rights and privileges, he also had an obligation in law of obedience to the king, even though the king was only bound in "Honour and Conscience" himself. He trod over much the same ground he had for so many years, arguing against toleration, evincing the same familial rhetoric noted earlier[97] but also noted the increasing use of the term "freeborn subject" as a "*Popular Challenge*…in favour of the Free-born, without any regard at all to the Subject," whereas L'Estrange thought the king's authority and the subject's rights went hand in hand, condemning those "Modern Christians" who stirred

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[96] *The History of the Plot* (London: Richard Tonson, 1679) Wing L1258, "Preface," A2.
[97] He calls those who are stirring up the people the "Uncoverers of their Father's Nakedness, and the defilers of the Honour of our Common Mother," *Free-born Subject*, p. 14.

up the people against the government under the cloak of religion.[98] He understood that repeating his "*Cuckoo song* of *Forty-One, Forty-One, Forty-One*, over and over" was dangerous, in that he engaged the people in public matters, but it was "*absolutely Necessary*" to combat the "other *Cuckoo Song of Popery and Tyranny, Popery and Tyranny*."[99]

Concern about who was going to be elected in London caused the King to prorogue the new parliament yet again on October 17, which led to a massive petitioning campaign, partly orchestrated by Shaftesbury and his followers, to force the king to call Parliament in December and January, and the king issued a proclamation against petitioning in response.[100] In the meantime, the government was convulsed by the publication of a particularly offensive pamphlet, cited above, called *An Appeal From the Country to the City* in the fall, by a Deist named Charles Blount, whose lurid depiction of an imagined popish invasion was paired with a call for the Duke of Monmouth, the king's illegitimate Protestant son, recently returned from Scotland where he put down the rebellion there, to succeed the throne. Eventually the government would prosecute the Anabaptist bookseller, Benjamin Harris, for the publication of the work, but no one was commissioned to answer the pamphlet, so naturally L'Estrange took the bait.[101] He actually published two works late in 1679, one a tract defending York's right to the succession called *The Case Put Concerning The Succession of His Highness the Duke of York*. In it he anguished over whether or not one could appeal to the public in the way he

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[98] *Free-born Subject*, pp. 1, 8-9.
[99] *Free-born Subject*, pp. 8-9, 18-19.
[100] Spurr, *England in the 1670s*, pp. 286-87; De Krey, *London and the Restoration*, pp. 183-83.
[101] Lois Schwoerer, *Mr. Henry Care,* pp. 86-87.

was attempting to do, noting that if the learned were divided, then the people would inevitably be so as well; he justified himself in familiar terms, citing his obligations to "My Religion, My Prince, and my Country" but referring to them as "Sacred Interests," a somewhat unusual way for him to refer to his offices. This was not an indication he was thinking of "interests" as separate from duties, however, for he decried those pamphleteers who were "Resolving the *Plain* and *Practical* Duties of *Government*, and *Obedience*, into *Mystery* and *Notion*; without shewing any State or degree of Men, what they are to Trust to."[102] This was in some ways their greatest crime in his eyes: making confusion out of something he thought should be perfectly clear by the repeated invocation of mindless propaganda, and he complained bitterly that no one in government seemed to be doing anything about this state of affairs; it appears he wrote both this pamphlet and its successor, *An Answer to the Appeal from the Country to the City*, on his own initiative.[103]

In his *Answer* he emphasized the divisions caused by petitioning in familial terms, and wrote that the rebels of 41' and 79' "divided the people from their Sovereign, Wives from their Husbands, Children from Parents; and Preacht away Apprentices by Droves into Rebellion: Carrying the Schism through Church and State, into private Families," perhaps thinking of his own situation, being married to the daughter of a Whig official. The *Answer* like the earlier pamphlet ridicules Blount's lurid depiction of life under a popish successor by reproducing those descriptions but also cleverly replacing "popery"

[102] *Free-born Subject*, pp. 11, 16.
[103] Schwoerer, *Henry Care*, p. 87.

with the words "Schismatical and Republican."[104] But he also began to question the Plot more openly, in the process making more statements that would open him to charges of popery: he reiterated the good services of Catholics under Charles I, denied that papists had anything to do with his death (something men as learned as Baxter and Care managed to believe) and pointed out the absurdity of the alarms about the protean power of papists, who were allegedly all powerful but unable to save their own priests from being hanged.[105] He also continued to emphasize the havoc that the agitators of the day wreaked on "Humane Society," which would "lessen all the Bonds of Human Trust" and lead the country inevitably back to "Mr. Hobbs Original State of War."[106]

Up until late 1679, L'Estrange had been an almost one man show in his attempt to undermine the plot, though there were other royalist voices attempting to combat the flood of pamphlets and newspapers that had appeared since the lapse of the Licensing Act in May.[107] *Appeal from the Country to the City* spurred the government to attempt to control the press via the courts, and it asked for and received a favorable but controversial ruling from the King's Bench; the king shortly thereafter issued his proclamation against petitioning on October 31.[108] In addition to this, Catholics were now beginning to respond to all the anti-Catholic vitriol being published, most notably the Earl of Castlemain, who published his *Compendium of the Plot History* that autumn as well.[109] The king felt strong enough to prorogue Parliament yet again on October 17, and would

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[104] *An Answer to the Appeal from the Country to the City*, pp. 15, 2-4; The Case Put, pp. 33-34.
[105] *Answer to the Appeal*, pp. 18-21, 23.
[106] *Answer to the Appeal*, pp. 21, 31.
[107] Knights, *Politics and Opinion*, pp. 223-4.
[108] Schwoerer, *Henry Care*, pp. 89-90; Knights, *Politics and Opinion*, p. 224.
[109] Kitchin, *Sir Roger L'Estrange*, p. 247.

keep doing so periodically until he finally allowed Parliament to meet again in October of 1680. But just when matters seemed to be turning the Court's way, the discovery of a fake plot, concocted by a Catholic midwife named Elizabeth Cellier in order to implicate Protestants, rejuvenated anti-papist sentiment, expressed in pope burning processions on November 5 and 17.[110] This also gave an impetus to the petitioning campaigns mentioned above, organized by the Earl of Shaftesbury, which called for an immediate sitting of Parliament; the king's rejection of them and those he received in January helped bring the issue of Parliament to the forefront at this point, eclipsing Exclusion as the major flashpoint for opponents of the Court.[111] But despite ministerial infighting that weakened the government throughout the period of nearly a year and a half when Parliament was not sitting, combined with Charles' haphazard foreign policy, things began to quiet down by the summer of 1680, as the petitioning campaigns encouraged by Shaftesbury continued to find little traction outside of London. It seemed that both the Court and the opposition were awaiting events, as Parliament was finally to meet again on October 21 of 1680.[112]

During this time, L'Estrange kept himself busy, and entangled himself and his own persona more deeply in controversy; in early 1680, he published three tracts at around the time Parliament was expected to sit again in late January, just after the first great petitioning campaigns had ended. One was a tract called *A Seasonable Memorial in Some Historical Notes Upon the Liberties of the Press and Pulpit*, which made the parallel between the petitioning campaigns of 1642 and 1679-80, as well as reiterating the

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[110] Knights, *Politics and Opinion*, pp. 225-26; Spurr, *England in the 1670s*, p. 286.
[111] Knights, *Politics and Opinion*, pp. 238-39.
[112] Knights, *Politics and Opinion*, pp. 268-75; Spurr, *England in the 1670s*, pp. 288-89.

spurious nature of religious discord produced by both sets of petitioners. But he also made a decision to appeal directly to less educated readers, publishing a dialogue called *Citt and Bumpkin In a Dialogue Over a Pot of Ale Concerning Matters of Religion and Government*, probably in January of 1680. This popular turn was also in some ways a literary turn for L'Estrange, as he decided to use satire rather argument to combat the enemies of government, but in doing so tacitly acknowledged the legitimacy of appealing to the "people." The dialogue followed the conversation of Citt and Bumpkin, two petitioners, who are discussing how to improve their lot by going off to prison, a reference perhaps to the informers who made the Plot trials possible, and goes on to paint a rather humorous caricature of meddlesome petitioners: they discuss the various types of conscience, and how if one has "the Inner Light" one may dispense with any laws that disagree with that inner light; they also discuss how to move their audiences, with words, looks, and metaphors, by the tone of their voice and dress, suggesting that the outpourings of the spirit were a put on, as well as discussing how to accuse people of popery in order to improve their station in life.[113] The caricatures are still humorous after nearly three hundred years, even to the point where one almost suspects some sympathy on L'Estrange's part with his intended targets, the London Dissenters, whom he must have known well enough, having been in the habit of spying on their conventicles.

The two interlocutors in the dialogues have some interesting things to say about the press as well, Citt remarking that people will believe anything if it is put into the "Protestant Domestique," a likely reference to the newspaper published by Benjamin

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[113] *Citt and Bumpkin. In Dialogue Over a Pot of Ale, Concerning Matters of Religion and Government* (London: Henry Brome, 1680) Wing L1216, pp. 11-15, 17, 20.

Harris, the bookseller who published *An Appeal from the Country to the City*,[114] while Bumpkin tells his friend of a book he read recently which informed him that the Ten Commandments had been invented by the bishops in Henry VIII's time.[115] The humor in this tract and its sequel which was published shortly thereafter[116] highlights L'Estrange's criticisms of the press, among them its ability to spread errors, but also the ability to spread about false accusations, to slander—to construct personae which were false, and endlessly repeat them. He had said as much many times before, but what is interesting about these tracts is that L'Estrange seemed conscious that texts themselves were less dangerous than the performance of the ideas they embodied, that oral performance was more dangerous, as the effect was less explicit than the printed word; in the second part of *Citt and Bumpkin*, Citt attempts to explain to Bumpkin "The Laudable Faculty of *LYING*" and how lies can be either "*Lyes, Tacit,* and *Express*," using gesture and looks or either words themselves to turn people against the King or frighten them with popery, and how the "Language of *Nature* [unspoken, tacit gestures] is infinitely more *Powerfull*, and *Significant*, than that of *Compact*" in moving the people.[117] L'Estrange felt the danger of the press consisted as much in the sorts of social exchanges that it initiated in coffee houses and other venues as in the information the texts themselves dispersed (which was often fabricated or erroneous); this may have been the actual point of reading

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[114] *Citt and Bumpkin*, p. 21; on Harris, see Mark Knights, "Benjamin Harris, 1647-1720," *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, Jan 2008 [http://www.oxforddnb.com.www2.lib.ku.edu:2048/view/article/48276, accessed 21 March 2010].
[115] *Citt and Bumpkin*, p. 23.
[116] *Citt and Bumpkin; Or a Learned Discouse on Swearing and Lying…the Second Part* (London: Henry Brome, 1680) Wing L1221.
[117] *Citt and Bumpkin…the Second Part*, pp. 16, 18.

pamphlets and newspapers aloud in coffee houses, rather than the factual accuracy or the veracity of the information they provided.[118]

L'Estrange intervened with his popular satires in order to forestall this sort of thing, and indeed the *Citt and Bumpkin* tracts sold well, but it also helped make L'Estrange much more of a focus for controversy, especially as he injected himself into *Citt and Bumpkin* as "Trueman," who ends each dialogue by browbeating the two main speakers; in the first part Trueman defends his *Answer to the Appeal* by reprinting the preface to that work, as well as taking on Henry Care for the first time. That several parodies of his *Citt and Bumpkin* dialogues were printed in 1680 bears out how much of a target he was becoming.[119] More seriously for L'Estrange, as the year wore on he became entangled with the ongoing investigation of the plot because of his writings against it, as first Titus Oates and later Miles Prance made claims that L'Estrange was a closet Catholic, and in Prance's case testified that he had seen L'Estrange at mass. It was thus that he published *A Further Discovery of the Plot* in late January and expanded it shortly thereafter with a dedicatory letter to Oates in which he states that "You have been told (you say) that *L'Estrange* is a *Papist*, and reports *You* for a *Fanatick*," and that these two "Calumnies" have been turned into two new libels—namely, Blount's *Appeal* and Henry Care's *History Of the Damnable Popish Plot*, which L'Estrange had attacked as

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[118] C. John Sommerville, *The News Revolution in England*, pp. 75-76, 78-79; Steven Pincus, "Coffee Politicians Does Create': Coffee Houses and Restoration Political Culture," *Journal of Modern History*, 67 (1995), pp. 807-34.

[119] *Crack upon Crack, or Crack-fart Whipt with His Own Rod by Citt and Bumpkin* (London: R. J.,1680) Wing L1234; *Crackfart & Tony; or a Knave and a Fool: in a Dialogue Over a Dish of Coffee, Concerning Matters of Religion and Government* (London: 1680) Wing C6741A; *The Dialogue Betwixt Citt and Bumpkin Answered* (London: 1680) Wing P17A. "Crack-fart" was a nickname given to him back in the 1660s while he was running the newsbook, which he explains in *Citt and Bumpkin…the Second Part*, "Preface."

Trueman in *Citt and Bumpkin*.[120] L'Estrange wrote that he had defended his belief in the Plot and his membership in the Church of England in print but had only heard rumors in reply: "Nay, it was averred the other day (I am very well assured) in a publique Coffee House, that upon L'Estrange his declaring himself to be no Papist, a Lady told him point blank, *She could prove him one*."[121] L'Estrange protests his respect for Oates' testimony, but was not terribly good at hiding his actual contempt for him;[122] critics this noticed almost immediately, as L'Estrange seized upon Oates' testimony that Jesuits had fallen in with Non-Conformists to attack Dissent once again, and blamed the Plot on Presbyterians.[123] The more he wrote, the more L'Estrange was becoming an object for attack along with the government.

By the spring of 1680, L'Estrange was presenting himself publicly as "the ambiguous champion of sanity and moderation";[124] he declared in the preface to his translation of Erasmus' colloquies, published in 1680, that he was being called a "Papist in Masquerade" by "Fanatiques…as all Episcopal Men are accounted these days" and a "Fanatique" by Castlemain in his *Compendium*, so that L'Estrange is now "crushed betwixt the Two Extremes." He also draped the mantle of Erasmus around himself to instruct his readers on how "to distinguish betwixt the Romish Doctors themselves; and not to involve all Papists under the same Condemnation."[125] He did the same again with

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[120] *A Further Discovery of the Plot*, p. 1.
[121] *Further Discovery*, p. 10.
[122] *An Additional Discovery of Mr. Roger L'Estrange* (London: 1680) Wing W3, claims that despite his protestations, there was "too much of the French droll in him," p. 4-5.
[123] *Further Discovery*, p. 12.
[124] Kitchin, *Sir Roger L'Estrange*, p. 248.
[125] *Twenty Select Colloquies Out of Erasmus Roterodamus Pleasantly Representing Several Superstitious Levities That Were Crept into the Church of Rome* (Thomas Newcombe, for Henry Brome, 1680) Wing E3210, A3-A4.

his *Discovery Upon Discovery* in March, a text discussed before as expressing particularly warm sentiments about his Catholic acquaintances,[126] while responding both to a pamphlet decrying his *Further Discovery* but also to Oates, who had, in addition to calling L'Estrange a papist, apparently been hurling the old accusation at him that he had been Noll's Fiddler as well.[127]

His next pamphlet, *L'Estrange's Narrative of the Plot*, appeared around May, and in it he complained about pamphlets misrepresenting their content, specifically about the combining of *Trap ad Crucem*, an old 1671 tract purporting to be eye witness testimony that incriminated Catholics for starting the Great Fire, with another work called *The History of the Fires*, as a new narrative of the plot; the use of Dugdale's name as a way of selling books; and the spreading of erroneous reports, such as the one that had Langhorn being buried in the Temple area, which caused "*Remarks* upon the *Government* for showing that Countenance to Papists."[128] L'Estrange understood the consequences of the way print could be used to form "narratives." He opens his pamphlet with a long passage ruminating on "This Age of *Narratives*," in which he says

> We should do with our *Books*, methinks, as *Vittlers* do with their *Ord'naries*; every Authour hang a *Table* at's Door, and say, *Here you may have a very good* Narrative, *for* Threepence, *a* Groat, *or* Sixpence, or *or* Higher *if you please*. For we have'em of all Sorts and Sizes…But *what is a NARRATIVE?* you'l say.
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> A *Narrative* is a *Relation* of something that may be *seen, felt, heard* or *understood*: Or otherwise; It is a *Relation* of something that

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[126] *Discovery Upon Discovery*, pp. 9, 27.
[127] *Discovery Upon Discovery*, pp. 14-16, 20, 31.
[128] *L'Estrange's Narrative of the Plot* (London: Joanna Brome for Henry Brome, 1680), Wing L1277, pp.17, 16, 14. Complaints about the burial Catholics were being voiced as early as January of 1679: *CSPD*, Jan. 1679-Aug. 1680, pp. 23-24. According to Schwoerer, Care likely had a hand in creating the new plot tract out of *Trap ad Crucem*, *Henry Care*, p. 77.

> *Cannot* be *either seen, felt, heard,* or *understood*: For we have Our *Narratives* of things *Visible* and *Invisible*; *Possible* and *Impossible*; *True* and *False*: Our *Narratives* of *Fact*, and Our *Narratives* of *Imagination*. In One Word: There was never any thing *Said*, *Done*, or *Thought* of, Since the Creation; nor so much as the *Fansy* of any thing *Said*, *Done*, or *Thought of*, but it will Bear a *Narrative*…NOW the *Narrative here in question*, is the *Narrative* of the *PLOT*; but then there will arise Another Question; Of *WHAT Plot*? For there are as many sorts of *Plots* as there are of *Narratives*.[129]

In wading through all the various plots, "*Plots General* and *Particular*; *Publick* and *Private*," L'Estrange was trying to illustrate the falsehoods he thought had been foisted upon the nation, but he does not single out the press for the proliferation of plot narratives: "The *Booksellers Ware house are Cram'd*, and there *Stalls charg'd* with the *Memorials* of it; All our *Courts of Justice*, and *Journals of State* bear witness to it. It has set all *Tongus* and *Pens* agoing; and all *Christendom* rings of it."[130] The press had an ability to amplify and disseminate rumor and misinformation, but also to create a "narrative" that would dominate people's conversation, whether it was true or false, and his attempts to refute these narratives only helped make that confusion worse, but L'Estrange felt as if he had no choice.

None of this was sufficient in and of itself to shake L'Estrange from his sense of his own identity, however; it rather seemed to confirm it, as in his *Narrative* he reiterated yet again that that he was a "*Reformed Catholique*" despite acknowledging that "'tis cast in my Dish I know, as a *Reproach*, that will I not own my self to be a *Protestant*."[131] L'Estrange thought it necessary to make such fine distinctions about his religious identity because the anti-popery hysteria blurred such fine distinctions, as noted above. But such

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[129] *L'Estrange's Narrative*, p. 1.
[130] *L'Estrange's Narrative*, p. 1, 4.
[131] *L'Estrange's Narrative*, p. 2.

reiterations only made him more of a target; he responded to attacks on his person directly late in the summer of 1680, publishing *A Short Answer to a Whole Litter of Libels*. In it he complained that pamphlets written against him twisted his words in order to defame him, and said they did this because they could not procure "Proofs against me, Out of my Conversation, and Actions."[132] L'Estrange wrote that this enemies, having failed to portray him as someone who vilified the Plot and was "popishly" affected, had turned to guilt by association tactics: "then they had recourse to *History* and *Invention*…that because *Pool* the *Jesuit* is a great Master of the *Viol*, and *Harmony* stands in *Opposition* to *Discord*; Therefore under the very Quality of a *Fidler*, *L'Estrange* is made a *Ridiculer* of the *Plot*."[133] This was a bit disingenuous, as L'Estrange in fact had tried to undermine the published accounts of Oates' and the other "witnesses" to the Plot, but the spuriousness of the claim is obvious. It was also in this pamphlet that he discussed his recent marriage to Ann Doleman, as his detractors took his "shotgun" marriage "to be a *Villifying* of the *King's Witnesses*."[134] He also emphasized again the effect of the libelers on families, saying that they destroyed "the *Peace* either of *Communities* or of *Private Families*, where *This License* is *permitted*: Nay it takes away the *Taste* and *Comfort* of Humane Society…even to the *Dividing* of *Nearest Relations* and *Friends*." And whereas his detractors attributed his pamphleteering activities to an "Itch of Scribbling," L'Estrange as ever declared that "This Officious Zeal of Mine" sprang from "an Impulse of *Conscience* and a Sense of *Duty*," and that seeing the government undermined in the eyes of the people, only a "want of *Advocates*" had

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[132] *A Short Answer to a Whole Litter of Libellers* (London: Joanna Brome for Henry Brome, 1680) Wing L1307A, p. 2.
[133] *A Short Answer*, p. 2.
[134] *A Short Answer*, p. 2.

prompted him to "thrust my Self into the Controversie."[135] Whatever else it had done, the deluge of "paper bullets" had not diminished L'Estrange's sense of his own identity, partisan though this sense may have been.

In this effusion of pamphlets, one can see the sort of "Baroque" qualities that characterize the persona of L'Estrange emerging again: the rapid fire stream of invective designed to alter public opinion, but also the typographical *accumulatio* that was characteristic of L'Estrange as well. This much was clear in his earlier works at the Restoration. The differences in this period of the Plot and the power struggles between parties in Parliament with the King are twofold: first, unlike in 1659-60, L'Estrange was publishing many of his pamphlets in his own name; secondly, by now he had a long standing reputation in *London* because of his work as Surveyor and licenser, which prevented him from being anonymous as an author (his *Citt and Bumpkin* were published anonymously, but were easily identifiable as his works). The two are obviously related, but neither have anything specifically to do with print. Insofar as the print campaigns forced L'Estrange to alter his presentation of himself, it was to further distinguish himself from the markers, especially the religious markers, of personal identity that characterized Whig propagandists or imputed to him by those writers: he was a "Reformed Catholique," not a "Protestant"; he was not "a *Saint*, but…a *Loyall Subject*"; not a popishly affected derider of the plot but "a *True Friend*, and (as the world goes), *a very Honest Fellow*";[136] not "Crack-fart" but "Trueman." The need to do this was an effect of the press, as it not only enabled a constant stream of writing that neither L'Estrange nor the government could in the end ignore, but so much writing at the same time that it was

[135] *A Short Answer*, pp. 13, 15.
[136] *A Short Answer*, p. 17.

literally unanswerable. One senses this in his many complaints that he was the only person attempting to defend the government and question the plot, which by the middle of 1680 was not true anymore. The cacophony of printed voices that emanated from the press probably helped drive the simplification of political stereotypes,[137] as readers might have been expected to deal with this "information overload"[138] by reverting to simple types amidst such confusion. L'Estrange himself already had a simplified notion of what his enemies were like; it was the confused and oversimplified notions of duty and office that Whig propaganda espoused—all liberty and no subject, as he would say—that he was more concerned with, and led him to elaborate so incessantly what the "plain" duties of office to prince, country, family, religion, and friendship were in such tedious detail, and was the corollary to the minute elaboration of his persona. But in doing so he made both all the more contestable.

**V. Print and Power, & the Power of Print**

What did eventually put a (brief) end to his steady stream of pamphlets in the autumn of 1680 was the mobilization, not of public opinion, but of the machinery of government—primarily the Privy Council, but also Parliament—against him by his enemies. Even before this in August, there was a rumor current in August that the King had forbidden him to "forbear writing such papers as tend to division," perhaps after his latest foray against Baxter, *The Casuist Uncas'd*, which was perhaps published around

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[137] Corns, T.N., W.A. Speck, J. A. Downie. "Archetypal Mystification," p. 12; Conal Condren, *The Language of Politics in Seventeenth Century England* (New York: St. Martin's Press, 1994), pp. 75-76.
[138] Katherine E. Ellison, *Fatal News: Reading and Information Overload in Early Eighteenth Century Literature* (New York: Routledge, 2006).

this time.[139] But things became more serious as L'Estrange became involved with Simpson Tongue, the son of Israel Tongue, who along with Oates had originally concocted the whole affair of the Plot. Simpson Tongue had testified before the Privy Council the year before that his father and Oates had made up the Plot, but by August of 1680 he had begun to alternately deny and reaffirm it as his relatives put pressure on him to change his story.[140] The junior Tonge then managed to procure a meeting with the ex-Surveyor sometime in September of 1680, ostensibly for his help—L'Estrange later thought this was a ruse by Oates, et. al. to entrap him—which came to nothing, for Tonge was, as L'Estrange learned, totally unreliable. But this was opening enough for Oates and his backers in Parliament, who soon made use of the meeting to accuse the intermediaries who set it up, along with L'Estrange, of tampering with the King's Evidence before the Privy Council.[141]

L'Estrange duly appeared before the Council on October 6th, and confronted both Oates and Tonge, "telling the Council that Dr. Oates took the liberty to call him a thousand times Rogue and Rascal, which the doctor owned, saying he would prove him to be both."[142] Apparently, the legal basis for Oates' charge was that L'Estrange had been derelict in his duty, for he had been enrolled as a Justice of the Peace for Middlesex by the King in March of 1680, and his failure to report his fruitless meeting with Simpson

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[139] Newsletter to Sir Francis Radcliffe, August 10 1680, SP 44/56; *The Casuist Uncas'd, or Richard and Baxter in a Dialogue: With a Moderator Between Them, for Quietnesse Sake* (London: Henry Brome,1680) Wing L1209, opposed various statements by Baxter in order to highlight contradictions.
[140] Kitchin, *Sir Roger L'Estrange*, pp. 252-53; Roger North, *Examen; or an Inquiry into the Credit and Veracity of a Pretended Complete History* (London: Fletcher Gyles, 1740), ESTC T147677, p. 271.
[141] Kitchin, *Sir Roger L'Estrange*, 254; Narcissus Luttrell, *A Brief Historical Relation of State Affairs from September 1678 to April 1714*, Vol. 1 (Oxford, 1857), p. 57.
[142] Kitchin, *Sir Roger L'Estrange*, p. 254; *L'Estrange's*, pp. 13-14.

Tonge could have been construed this way.[143] According to L'Estrange's later accounts of the proceedings, Oates could not make the charge stick, and resorted to alleging that he was "popishly affected," that he had carried away "Bulls and Popish Books that had been seized"; he claimed L'Estrange had denied there was a Plot, and that L'Estrange's pamphlets should be examined.[144] In addition, Prance and another witness swore that he had been at mass at Somerset House and at the Queen's chapel with in the past three years.[145] But the king spoke in his defense, and L'Estrange was acquitted of any wrongdoing by the Council at a second meeting on the 13th.[146] This did not end the matter, however, as the Council had already referred L'Estrange's case to the Parliamentary committee investigating the Plot before it had made its own determination, just before Parliament finally met again in October. L'Estrange decided not to take any chances and fled, first to Edinburgh with the Duke of York and then to the Hague, where he remained till February of 1681.[147] On October 30, Shaftesbury reported to the committee on the plot that L'Estrange had refused to appear, and the Lords recommended that he be taken from the commission of the peace, "not permitted to license the Printing of any more books, nor be employed in any more public affairs."[148]

L'Estrange made two attempts to defend himself in print before he left. He attempted to take advantage of the popularity of his *Citt and Bumpkin* dialogues to save his own reputation by publishing *L'Estrange's Case in a Civil Dialogue Betwixt Zekiel*

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[143] Luttrell, *Relation*, p. 39; Kitchin, *Sir Roger L'Estrange*, pp. 255.
[144] *L'Estrange's Case*, p. 34; *L'Estrange No Papist* (London: T.B. for Henry Brome,1681) Wing L1267, pp. 19-20.
[145] *L'Estrange No Papist*, p. 8, 19-20.
[146] Kitchin, *Sir Roger L'Estrange*, pp. 257; Luttrell, *Relation*, 57.
[147] Kitchin, *Sir Roger L'Estrange*, pp. 258; *HMC*, 11th Report, appendix II, p. 167.
[148] Kitchin, *Sir Roger L'Estrange*, pp. 258; *HMC*, 11th Report, appendix II, p. 167.

*and Ephraim* on October 14th, the day after the Privy Council cleared him of the charges against him. The two speakers of the title give voice to the rumors that L'Estrange has been sent to prison, and reveal that the rumors have "Staggered, I know not how many, of his Best Friends," that he has been called "*Fools* and *Coxcombs*…even by his own *Party*," and that people have been lining up at Harry Brome house to see what jail he is in.[149] About halfway through, L'Estrange himself appears as a speaker, defending himself from rumors and decrying the state of affairs where the government "lies at the mercy of every *Common Scribler*, and *Hedg-Printer*," who get to decide if "we shall be *Honest Men*; or *Rascalls, Traytors, Plotters, Suborners, Trepanners*; All as They Please"; he also reiterates his forty years of service to the crown, declares his adherence to the Church of England, the Thirty-Nine Articles, his belief in God, heaven and hell, asserting against Prance that he had not been at mass since the Restoration.[150] The long recitation of precise beliefs—in the Thirty Nine Articles, in heaven and hell, and in God—is a striking use of *accumulatio*, this time in defense of himself rather than as an attack. But it also reiterates his attempt to delineate his real beliefs amidst the confusion of pamphlets claiming otherwise.

More striking than this was his attempt to appeal to Parliament, in a pamphlet published just after he left England, entitled *L'Estrange His Appeal Humbly Submitted to the King's Most Excellent Majesty and the Three Estates Assembled in Parliament*. To a far greater degree than anywhere else in his oeuvre, L'Estrange, partly because he was defending himself from a charge that targeted his pamphlets, identifies himself with those writings: The *Appeal* excerpted his own works on the plot since 1678 and commented on

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[149] *L'Estrange's Case*, p. 6.
[150] *L'Estrange's Case*, pp. 27-28, 31-34.

them, occasionally lashing out against particular enemies such as Care or Prance. Unsurprisingly, he claimed his case and the government's were one, and since his paper concerned "no less than the *Honour*, the *Justice* and the very *Security* of the *Government*; the business of these Papers is no longer a *private Apology*, but a *publick Duty*." He further wrote that "I defy the world either to show that I have *misrecited my Self* in what I have already deliver'd; or to produce any one passage out of all my Writings" to prove he had tampered with the King's witnesses, and that "every Syllable is put to the Torture" by his accusers to make it so.[151] But what was most interesting about this pamphlet is his use of the term "office" to describe what Care, Prance, Oates, and all the other printers and witnesses arrayed against him: "a man may judge the *Meanness* of their *Souls* by the *Condition* of their *Office*: which is the Part of the very *Devill himself*; being only to *Blacken*, and to *Defame*." This may seem like an isolated slip but he reiterates the point later, asserting that "it is the *First* Office of *Political Pamphlets* or *Treatises*…to posses the People with *fals Notions* about the *Original*, the *Nature* and the *Ends* of *Government*," which leads to "*Evil Thoughts* of their *Superiours*," culminating in "*Undutiful* and *Intemperate Practices* against the *publick Peace*."[152] L'Estrange was being investigated for the nature of his writings, so this might have led him to emphasize the legitimacy of writing pamphlets; as evidence of his good work, he notes some success getting "*some Well Meaning Dissenters* reclaim'd from their *Errours* and *Others* that were *wavering* before, Now to be fully *satisfyed* and *Confirmed*" in their loyalty to the king.[153] Whatever the case may have been, it was a departure from anything that

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[151] *L'Estrange His Appeal…*(1680) Wing L1202, pp. 1, 5, 7.
[152] *L'Estrange His Appeal*, pp. 20, 24.
[153] *L'Estrange His Appeal*, p. 25.

L'Estrange ever wrote—normally he justified his pamphleteering activities exclusively by the necessity of the situation, which was not lacking in this case—even if a slight one, for obvious reasons: he did not think writing political pamphlets was *normally* the fulfillment of an office but an abuse of one. Yet he referred to pamphleteering here almost as if it were an office in and of itself, something would have been a contradiction in terms for him.

Did this slip indicate a change of belief on his part? Not really; subsequent chapters will make plain enough that he never really changed his basic attitudes toward the press, nor suddenly alter his beliefs. More likely, he was under tremendous pressure at that point, as the employers of Care, Benjamin Harris, Jane Curtis, Francis Smith, Charles Blount, and all his other Whig tormentors in the press were now to decide his fate in Parliament, and he simply slipped in attributing more dignity to an activity he didn't think very dignified at all. Perhaps it was an unconscious way of showing some deference to people he loathed. Certainly, he was in a bitter and despondent mood; he reiterated yet again his long service to the crown, but emphasized that he had suffered for the king as much as any subject, "without the Balance of any other Recompense, than a little *Court Holy Water*, and *Fair Words*." Apparently, he did not think the king's defense of him before the Privy Council meant much, as he was about to be thrown to the wolves before the Committee in Parliament. The constant questioning of his religion by Oates took its toll as well; he found it "a Strange *Usurpation* upon the *Common Rights* of *Humane Society*" which took every man to task "upon the *Articles of his Faith*." That someone with public authority might do this was bad enough, "but for a *Private Person* to assume that *Empire*, is both *Arrogant*, and *Intolerable*." The last words of the *Appeal*

proclaim a world weariness and fatigue unusual for the indomitably energetic L'Estrange: "as for my *Self*…I am really *Sick* of the *World*, as *Peevishness* itself can be of *Me*…I'le e'en betake myself to the *Quietist way* of making my Escape out of an *Impious*, and *Trepanning* World, into a *better*."[154] These types of claims point to a temporary lapse brought on by the pressures of the moment, which his three month respite in the Hague would cure well enough.

The period of the Plot in L'Estrange's career is perhaps the most significant; for the second time, he was without any formal office, and for the second time acted as a pamphleteer on behalf of the government on his own initiative. His pamphlet war with the opponents of the King and the Duke of York revealed that, as before, the nomenclature of office was prominent in the pamphlet literature surrounding not only exclusion but the whole issue of Parliament itself as that issue came to the fore. This campaign was fought, in some respects, in terms of widely differing conceptions about the content of office, and over the exact nature of prerogatives that the sovereign could wield, and indeed with whom that sovereignty should reside. This did not mean, at least as appears from the admittedly small sample of pamphlets along with L'Estrange's writings, that there weren't other languages, particularly that of interest, which permeated the writings of the period, only that they had not yet displaced that of office in shaping the debates that these pamphlets and newspapers represented. What was going on in L'Estrange's battles and the larger pamphlet engagements of the period is perhaps the inflation of the language of office that Conal Condren surmised was taking place at the

[154] *L'Estrange His Appeal*, pp. 28, 37.

end of the seventeenth century, its indiscriminate use undermining its currency as a presupposition of public life.[155]

One can easily see how L'Estrange contributed to such a phenomena, presuming its reality; his constant invocation of his conscience and the duties that he felt he was undertaking in the office of a loyal subject in a time of crisis, coming as it was in defense of the most extreme position of royalist and Anglican opinion, no doubt contributed to this process. This is especially true when one recalls that the language of office was largely a tacit phenomenon, and it points also to the role of the printing press in altering those conceptions as well. By reifying those tacit presuppositions in written form and distributing them so broadly, one can surmise that it made them easier to objectify, to treat as if they were malleable constructs rather than the verdict of nature, as L'Estrange thought them. The very widespread dissemination of elections pamphlets, sermons, and short broadsides was only possible because of the press, and so fits well with the importance that Elisabeth Eisenstein placed on that particular effect of printing.[156] None of the literature reviewed here, however, suggests that L'Estrange or any of the pamphleteers displayed any "shift toward modern forms of consciousness" which Eisenstein claimed was made possible by "print culture."[157] One might not expect to find such shifts in the "low" types of literature under examination here, but then if this is the case, the shifts which Eisenstein and the many scholars who have followed her lead in attributing such changes to the printing press have supposed to have taken place were not terribly widespread, at least in late seventeenth century London.

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[155] Condren, *Argument and Authority*, pp. 344-46.
[156] Eisenstein, *The Printing Press*, pp. 71-80.
[157] Eisenstein, *The Printing Press*, p. 225.

That the press created a "public" as a counterweight to a growing state, which is the basic thesis of Habermas, again seems suspect when viewed from the ground on which L'Estrange and his detractors fought. Simply put, it was not the growth of an impersonal state that drew forth the pamphlet deluge following the first revelations of the Plot, but the weakness of a personal government that spurred a rather small band of opposition printers, in alliance with their patrons in Parliament, to pressure the government into changing its policies. One should point out that part of the reason the Habermas thesis makes so little sense in this period is that the press was not really at this point a power in its own right, either economically or socially—it was not yet, as Macaulay would put it in the nineteenth century, an "estate" of the realm in its own right. In other words, there were more direct forms of power than print, mainly the established institutions that were the object of the struggle in the first place, and control of which largely determined its outcome. One glimpses this in the popularity of printed testimonies and narratives of the day, which depended on the authority of the law courts, of Parliament and the Privy Council for their appeal.

The connection between printed works and the oral testimony they were supposed to convey is also important, for it seconds Adrian Johns' contention that the social networks involved in the print trade were more important than the effects of the technology itself; in this instance, it shows that expectations about the legal system, as well as the relationship between witnesses, informers, printers and the government, was vitally important for understanding the appeal of those testimonies. To put it another way, written works, whether printed or composed by hand, are always related to some type of social performance which gives them their importance. There is a reason why,

though he had suffered a barrage of criticism from the press, that L'Estrange showed no sign in his writings that he was fatigued by it at all until called before the Privy Council and then before the Committee on the Plot. He was forced to defend in person his works, which he did well enough to a sympathetic Council and King, but was not foolish enough to think he could convince Shaftesbury and his party of his innocence. Similarly, when the Privy Council first read Oates' hand written "articles" of deposition, they were unable to make heads or tails of the long, convoluted train of accusations until Oates came before the Council and explained it himself, which, according to Kenyon, was what caused the Council to take the Plot seriously in the first place, which they had not done up till then.[158] The physical effect of the dissemination that Eisenstein so rightly emphasized is nevertheless not free of the networks of credit and trust which had to be negotiated for printed works to be received by different types of readers (or listeners, for that matter), much as Johns has suggested with the print trade.[159] In this case, it was networks of informers, informal spies and snitches, professional liars and their connections with the press—embodied well enough in people such as Oates, Bedloe and Prance, not to mention L'Estrange—and their credibility (or lack thereof) that helped determine the reception of these texts.

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[158] Kenyon, *Popish Plot*, 77-78. The Council only had one copy of the deposition between them, and they were apparently particularly impressed by Oates' memory, as he used no notes in his testimony. The incident reminds one of the conundrum faced by Robert Boyle, and made famous by Steven Shapin and Simon Schaeffer: Boyle's air-pump could not be replicated by other scientists unless instructed by someone who had seen the original, or were instructed by Boyle himself, no matter how detailed were the written instructions that Boyle had prepared for his correspondents, *Leviathan and the Air Pump* (Princeton: Princeton UP, 1985), pp. 281-2.

[159] Johns, "How to Acknowledge a Revolution," pp. 110, 118-119; *Nature of the Book*, pp. 87-88, 91, 102, 104.

This likely also reflects the fact, as Condren pointed out, that politics in the seventeenth century was rather unstable as a domain of language, and could be re-described in terms of other discourses which were more established, especially that of law.[160] The press was not an institution in its own right, apposite the "official" institutions of the state in the minds of those who gave thought to such things; it was a powerful tool to be sure, but a tool nonetheless. Public opinion as it has come to be understood is the product of certain social relations and certain tacit conventions, which, if I am correct, were not present, or at least not fully present, during the Plot and the Exclusion Crisis in England. One of these conventions is, undoubtedly, that the state has no "conscience" in the sense that I have outlined above. The fact that the Plot was played out in the law courts, the function of which was partly to express the verdict of the king's conscience (as Scroggs' lectures to the jury indicate), bears this out. It is the reason why the Plot trials, as Kenyon recognized, were in modern terms not really trials at all; they were instead showcases for the king's power to bring nefarious deeds to light, and express the government's horror at treason, not to dispense the justice of an impartial and impersonal state.[161] The members of Parliament who were playing on this idea of conscience promoted the Plot for their own ends, whether they were Exclusion or for the safeguarding of Parliament, and the press was not the keeper of the nation's conscience the way that would be proclaimed in later centuries.

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[160] Conal Condren, *The Language of Politics*, pp. 68-69.
[161] Kenyon, *Popish Plot*, 179.

# CHAPTER VI
# THE RISE AND FALL OF *THE OBSERVATOR*, 1681-1688

L'Estrange would not soon forget his forced exile in the Hague, and was determined when he returned in February 1681 that his enemies would not be allowed to attack the government or himself with impunity any longer—even if the powers that be were not exactly thrilled with his enthusiasm. With the creation of his running editorial *The Observator* in April of 1681, L'Estrange would create what is perhaps his greatest literary legacy, setting the foundation for partisan journalism for decades to come, skewering Whig printers, publishers and informers with relish for nearly six years, even as he was also involved with the legal campaign of Charles II's government to punish the informers, such as Titus Oates, whom they had formerly raised up. This chapter will examine how the publication of a regular periodical affected L'Estrange's sense of his identity, as his implicit claim to speak as the government's "conscience" occurred within the midst of a royalist triumph at the end of Charles II's reign, and how this role collapsed with the Stuart monarchy. It will argue that the regularity of his semi-officially sanctioned *Observator*, gave the appearance, if not the reality, of a grand national debate, and that this is reflected in the way L'Estrange's sense of self changes subtly during the life of his *Observator*—until the bottom fell out of the whole enterprise in 1687-88.

I believe the *Observator* represents the defining phase of his public persona, and shows that his understanding of himself did in fact change over time, specifically in terms of his understanding of office. In his earlier writings, it appears that he understood his pamphleteering activities as only part of the office of a subject defending the government in a time of emergency, and not an office in its own right; but as the Exclusion Crisis

came to its climax he began referring to his pamphleteering as an office, even if in a negative fashion. I will argue in this chapter that the continuous if irregular publication of *The Observator* helped cement this trend in his self-understanding, and that this transformation into the publishing conscience of the nation was picked up on by his opponents, especially Henry Care, who derided him for his pretensions. I will argue that the undefined, semi-periodical nature of the *Observator* is matched by the ill-defined nature of his audience: it was precisely as an informal agent of the government appealing not to a stable and clearly identifiable "public" or "the people," but to other informal actors like himself—the book hawkers, the mercury women, the printers and booksellers, the London apprentices, and anyone else who might be susceptible to Whig propaganda in the City—that L'Estrange directed his pen.

**I. Informing the Public: *The Observator* as Conscience**

Charles II's government was finally beginning to take the offensive in its struggle with its opponents by the time Roger L'Estrange returned from the Hague at the end of February 1681. The king's calling of Parliament to Oxford took the Whigs away from their London power base, and the worst of the Plot hysteria had by this time almost subsided, though there was still one more victim left, the Roman Catholic Archbishop Oliver Plunkett of Ireland, who was executed later that summer.[1] In retrospect, the king's dissolution of the Oxford Parliament itself was the turning point, but it was not seen to be so at the time, as many Whig supporters were still expecting another parliament to be called. Historians have come to realize what Charles II must have known, that he could not be sure of his throne or his brother's succession until the Whigs' London power base

[1] Kenyon, *The Popish Plot*, pp. 233-34.

was broken, something he could not achieve until men loyal to the crown were put in place of the Whig mayor and sheriffs who had packed the London juries during the Plot trials.[2] The crown's efforts to remodel the charters of town corporations, especially that of London, its formation of a commission for Ecclesiastical Promotions in late February of 1681 to put loyal men into key positions in the Church of England, as well as its efforts to procure legal judgments favorable to its designs strengthened the monarchy so that, by the end of Charles' reign, it was in a position of strength vis-à-vis its enemies.[3]

L'Estrange's role in the "Tory Reaction" of 1681-85 has, in the past, been usually been seen as that of the official mouthpiece of the government's efforts to eviscerate its Whig tormentors, at least since Macaulay unleashed his devastating pen in a vignette in his *History of England*, and even George Kitchin took his work to be a measure of the government's progress in its campaign against Dissenters in those years.[4] Recently, however, historians have come to question this equation, as historians such as Tim Harris have demonstrated the importance of popular politics, especially in London, and Mark Goldie has argued that the *Observator* should be seen as the "voice of the backbench" of the London Tories, pointing out that the *Observator* has little to say about the Duke of York, the king, the Court, or the nobility, but plenty to say about nefarious Whig printers

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[2] De Krey, *London and the Restoration*, pp. 221-268; Tim Harris, *Restoration: Charles II and his Kingdoms, 1660-1685* (London; New York: Allen Lane, 2005), pp. 260-328.
[3] Harris, *Restoration*, p. 425; on the charters, see John Miller, "The Crown and the Borough Charters in the Reign of Charles II, *English Historical Review*, Vol. 100, no. 394 (1985), pp. 69-84; J.R. Western, *Monarchy and Revolution* (London: Blandford Press, 1972), pp. 69-76; J. Levin, *The Charter Controversy in the City of London, 1660-1688* (London: Institute of Advanced Legal Studies, 1964), pp. 82-88. For the Ecclesiastical commission, see Robert Beddard, "The Commission for Ecclesiastical Promotions, 1681-84: an Instrument of Tory Reaction," *The Historical Journal*, Vol. 10, no. 1, (1967), pp. 11-40; Spurr, *The Restoration Church*, p. 81.
[4] Thomas Macaulay, *History of England*, Vol I., p. 385; Kitchin, *Sir Roger L'Estrange*, pp. 268-69.

and their various underlings that inhabited the cramped spaces of Restoration London.[5] This is not surprising, as the last chapter showed that the Restoration monarchy was not in any sense a modern state, and insofar as it possessed any, its stability was maintained by informal power relationships rather than in an institutionalized, bureaucratic system, as recent scholarship has come to recognize.[6] L'Estrange was one of these non-professional agents that the state had to employ to make its policies work, and L'Estrange, like many of them, was probably seen as a necessary evil by their governors, including the king.

The best illustration of this is the role that informers played in early modern England. L'Estrange himself acted as an informer throughout his career, and while he was Surveyor spent a good deal of money paying off "book women" and others to inform on their fellow tradesmen, not to mention the role of informers such as Oates and Bedloe in concocting the Popish Plot in the first place. But such independent agents were indispensable to Whigs and Tories alike in their struggle over political power. There is no better example of this the than the notorious "Hilton Gang," which Charles II's ministers employed to hound Whigs and their Dissenter allies in London from 1682 to 1685.[7] The Hiltons came from Westmorland and were likely brought up as Catholics, and engaged in criminal activities before entering the king's service in May of 1682; like Israel Tonge at the beginning of the Plot, George Hilton asked for and received an

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[5] Goldie, "Roger L'Estrange's *Observator*," p. 70.
[6] Michael Braddick, *State Formation in Early Modern England, 1550-1700* (Cambridge: Cambridge UP, 2000); Steve Hindle, *The State and Social Change in Early Modern England* (Basingstoke, UK: Palgrave, 2000).
[7] Mark Goldie, "The Hilton Gang and the Purge of London in the 1680s," *Politics and the Political Imagination in Late Stuart Britain: Essays Presented to Lois G. Shwoerer*, ed. Howard Nenner (Rochester, NY: U. Rochester Press, 1997), pp. 43-68.

audience with the king and Duke of York, and was given the royal blessing to put the laws against Dissenters into more "vigorous" execution.[8] Putting the laws into execution mostly consisted in harassing and damaging the goods of various Dissenting businesses and breaking up conventicles, with the occasional prosecution thrown in for good measure. How this group of provincial men (and women—according to Mark Goldie, there were fifteen women in the Hilton Gang) came to muscle in on the London informing trade is a mystery, but their harassment and quasi-legal policing of Dissenters cut across ties of social deference.[9]

What makes the Hilton gang so significant for understanding L'Estrange's place in the history of journalism is that like L'Estrange, George Hilton, the leader of the gang, published his own newspaper entitled *The Conventicle Courant*, in which he reported the goings on of Dissenters in their meetings, from June 1682 until all periodical publications save the *London Gazette* and L'Estrange's *Observator* were shut down in 1683.[10] Even more telling is that Hilton was in the habit of trumpeting his royally approved authority to disturb coventicles, calling himself "His Majesty's Informer" and putting the words "By the King's Command" under the masthead of his newspaper.[11] More significantly, he also manipulated the language of office to justify his actions: when called before the Mayor of London in August of 1682, to give account of which constables they had served with warrants, John Hilton claimed that "those that had done their duty, were commended" while "those that had not, were pricked down, in order to be convicted for

[8] Goldie, "The Hilton Gang," p. 46.
[9] Goldie, "The Hilton Gang," p. 48.
[10] Goldie, "The Hilton Gang," pp. 49, 54; Kitchin, *Sir Roger L'Estrange*, p. 304.
[11] Goldie, "The Hilton Gang," p. 54.

the neglect of their duty."[12] In other words, the Hiltons appropriated this language to claim authority in the king's name in much the same way that L'Estrange did, while partaking of the same informing activities that he performed (L'Estrange approved of the Hiltons, of course, calling them "servants of the king and the laws" and "necessary supporters of public order.")[13] Informers were indispensable agents in a society which, despite its being a "culture of fact" in Barbara Shapiro's term, was innocent of the kind of bureaucratic structures which could dispense with such informal participants in government. As scholars have come to recognize, such informal participants were necessary to the workings of government in the period.[14]

One can begin to understand the importance of L'Estrange's *Observator* when one understands how his informing activities played into his journalistic adventures. L'Estrange's spying on Dissenters was the obverse side of his self-proclaimed duty to expose the nefariousness of the Whigs, Dissenters and Trimmers, and such journalistic informing was not limited to extreme Tories such as he was. The Presbyterian journalist John Dunton, who complained vociferously about the activities of the Hiltons, publicly defended the use of informers by the Society for the Reformation of Manners in the 1690s in his *Athenian Mercury*, even going so far as to suggest that whoever did not

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[12] *Conventicle Courant*, nos. 21, 23, cited in Goldie, "The Hilton Gang," p. 52.
[13] *The Observator*, Volume I (London: William Abingdon, 1684) no. 203, September 11 1682. All newspapers and periodicals in this chapter were consulted in the Spencer Research Library, unless otherwise indicated. All citations of *The Observator* are by volume and issue number (i.e., I.203), as L'Estrange published *The Observator* in three bound folio volumes from 1684-1687. When quoting from a specific passage, the date will also be given.
[14] G.A. Aylmer, "From Office Holding to Civil Service: The Genesis of Modern Bureacracy: The Prothero Lecture," *Transactions of the Royal Historical Society*, Fifth Series, Vol. 30 (1980), pp. 91-108; Mark Goldie, "The Unacknowledged Republic: Officeholding in Early Modern England," *The Politics of the Excluded*, pp. 153-194.

inform on their neighbors for vicious or wicked behavior were themselves accessories to such crimes.[15] Informing, Dunton wrote, was a heinous thing when done against Dissenters but for people who broke the Sabbath on the Lord's day "Such Informers…are Instrumental to the Happiness of the Body Politick."[16] Tellingly, there is also a connection with the language of conscience present in his periodical as well, as Dunton's periodical was originally subtitled *The Casuistical Gazette*, and Dunton's question and answer format was directed in many ways at traditionally difficult cases of conscience.[17] Such similarities with L'Estrange suggest a use by both men of the language of conscience in their journalistic ventures that is not accidental, but rather part of the rhetorical arsenal they use to promote what they viewed as public order.

Just because the language of conscience was so explosive, and so commonplace, it was fitting that early journalists should utilize it as well, since they were part of a world where informal actors of one sort of another vied to appropriate the sorts of commonplaces of rule to their own ends; in L'Estrange's case this was the instilling of proper obedience into his readers, in Dunton's it was proper manners, but they spoke from a common well of ideas which was would alter only very slowly over time. Eventually, a more stolid and serious idea of the press as the "fourth estate," as a formal,

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[15] The *Athenian Mercury* was bound and sold in several volumes as *The Athenian Oracle* in the early eighteenth century, aside from its serial publication; for Dunton's comments on informing see *The Athenian Oracle* (London: Andrew Bell, 1706) ESTC T105984, volume I, p. 32: "all Persons that are not *Informers* against such Actions, when they have Opportunities, are guilty and accessory themselves by *Misprision*."

[16] *The Athenian Oracle*, vol. I, p. 55.

[17] For Dunton's roots in casuistry, see G.A. Starr, "From Casuistry to Fiction: The Importance of the Athenian Mercury," *Journal of the History of Ideas*, Vol. 28, no. 1, (Jan-March 1967), pp. 17-32; Urmi Bhowmik, "Facts and Norms in the Marketplace of Print: John Dunton's Athenian Mercury," *Eighteenth Century Studies*, Vol. 36, no. 3, (Spring 2003), pp. 345-365.

institutional actor in its own right, would be enshrined in people's minds, but in the late seventeenth century, this was not yet the case. It was in part the press that made this change possible, by making an imagined public the arbiter of all questions put to it in print. L'Estrange's *Observator* is a good indication of the process by which this came about, as the language of office and duty met with the rise of a periodical press for the first time.

When his *Observator* began its publication on April 13, 1681, the main Whig periodicals and their publishers were Henry Care's *Weekly Pacquet of Advice from Rome*, Richard Janeway's *Impartiall Protestant Mercury*, and Langley Curtis' *True Protestant Mercury*, while Edward Rawlins' *Heraclitus Ridens* and Nathaniel Thompson's *Loyal Protestant and True Domestick Intelligence* were the main Tory periodicals. Care had been publishing his popular serial "history" of Catholicism since December 1678, supplemented a satirical commentary on contemporary affairs which went under various names, most famously the *Popish Courant*, while the two *Protestant Mercury*s began publication in April 1681; *Heraclitus Ridens* and the *Loyal Protestant* began in February and March of that year, respectively.[18] These were the longest lived of *The Observator*'s competitors, though there were others.

As *The Weekly Pacquet of Advice from Rome* and *Heraclitus Ridens*, like *The Observator*, eschewed the newspaper format for more flexible forms of printed commentary, it is instructive to note the similarities between them in terms of how they justified the publication of periodical works. The most long lived periodical aside form L'Estrange's in this period was Care's *Pacquet*. More a book in serial form than a

[18] Kitchin, *Sir Roger L'Estrange*, p. 422.

newspaper or journal, it originally came out once a week on Fridays, giving what purported to be a detailed history of Catholicism. Drawn from various Protestant sources, it breathed the air of an earlier age, of John Foxe and the early Reformation in England, and in modern terms it is not a reliable history at all.[19] But it was well researched for its time, and can be taken as representative of popular Protestant attitudes towards Catholicism because of its derivative nature. Like *The Observator* eventually would be, Care had the issues of his *Pacquet* bound into books, and in the preface to the first volume he explicitly appealed to Cicernonian notions of public emergency to justify his publication: "*in such a Publick Distress every man ought to be a Souldier: In which Engagement you have need of* Knowledge, *because your Enemy is subtil to deceive; and of* Zeal, *because your Contest is of the greatest Importance in the world*. *For you are to fight…not onely for your* Lives *and* Estates, *your* Wives *and your* Children; *but also for your* God, *and your* Religion" against the greatest heresy known to Christians.[20] In the preface to the third volume of the *Pacquet*, Care implicitly invoked the language of conscience, writing that "the very *sight* whereof [of popery], nakedly drawn, and in a clear *Light*, is enough to affright any rational Soul that has not *debauch'd* its self into a stupidity below common sense, to fly from so loathsome and destructive a *Monster*," protesting that "this matter I have sincerely intended and endeavoured (according to my mean Abilities) to serve my Country, and the Interests of Truth."[21] From my own reading of the *Pacquet*, it appears that the language of duty and office is much less explicit than it is in L'Estrange's *Observator*, but is present nonetheless, not least in the

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[19] Schwoerer, *Henry Care*, p. 72.
[20] Henry Care, *Weekly Pacquet of Advice from Rome* (London: Langley Curtis, 1683), Vol. I, "To the Reader," A5.
[21] Care, *Weekly Pacquet*, "To the Reader," B1.

ever-present critique of Catholicism as the complete subversion of the office of ministry.[22]

The way in which Care used this language in his *Courant* was usually to ridicule the pretensions of his opponents, such as Thompson, whose "Duty is to Broach false News, raise *Scandals* on the Innocent, and *white-wash* over blackest Treasons, *Eavesdrop* discourse, misrepresent the *Government* to the People, and presently after (by the mediation of their grand Patrons) *slaunder* the *People* to the Government."[23] This was also the way in which Edward Rawlins utilized such language in *Heraclitus Ridens*, as a means of satirizing his opponents. Rawlins began the vogue for dialogue in the serial publications of the time, setting two interlocutors, Jest and Earnest, talking about current affairs. In the second issue of *Heraclitus Ridens*, Earnest asks Jest to let him "see thee in thy Element," Jest agrees, "provided that you will take me right as I always speak, I will give you a Cast of my Office, a few dry Jests, which are very modish," his prime example of a "jest" being "to have honest and loyal men run down" with being "Popishly" affected.[24] John Flatman, the author of the *Heraclitus Ridens*, appealed like Care to the language of duty and office when justifying the publication of his dialogues; in the first issue, he wrote that "my design is great and generous, nothing less I assure you than *the*

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[22] For a good example of this, see Volume III.59 (86), 7.22.81, a misnumbered issue of the packet, where Care explains why the pope is *the* anti-Christ, because he "denies Jesus to be the Christ," because the Popes "over-throw (as much as in them lies) both his Person and his Offices," namely his Propheticall Office, in that he sets himself up as another doctrinal authority outside scripture, his Priestly office, since Catholic's claim a mediating priesthood, and lastly his "Kingly Office," by claiming a universal jurisdiction over the church.

[23] *Popish Courant* (hereafter PC), II.22, 12.5.79. All issues of the courant will be identified by volume and issue number, and the date will be given when direct quotations are taken from them.

[24] *Heraclitus Ridens* (hereafter HR), no. 2, 2.8.81. For other examples, see *HR* nos. 7, 20, 38, 50, 58.

*publick Good*, in earnest, and to prevent Mistakes and False News." In the last issue before it was closed down in August of 1682, Flatman issued a lengthy protestation of his motives that could have come from the pen of L'Estrange himself:

> *The Author hereof did at first take up this way of Scribling purely out of a Sense of Duty and Loyalty, at a time when both were shock'd and well-nigh over turn'd by the Outrage and Intemperance of a restless and daring Faction; and that he had not one private End, nor ever endeavour'd by it to answer any such, for which his industrious keeping himself unknown may be a sufficient Argument, where in he has had such a Felicity…as that he is not more publickly known as the Author of the* Whole Duty of Man.[25]

Such language was a staple of the rhetoric in the Exclusion crisis, though one need not think writers used it sincerely or deliberately. The point to remember is that it was unavoidable, especially in authors like L'Estrange and Care, in newspapers printed by Janeway, Curtis, Thompson and others, precisely because they were appealing to a "mass" audience in London, and not an elite group of philosophers who might be persuaded by the language of natural rights, or some other more "modern" justification which might conceivably have been available to contemporaries. They contested for the readership and the allegiance of those who were only informal agents of the government, but who could appropriate the language of their political patrons with great ease. Given the very fluidity of the audience they intended to sway, this might be why they fell back on the old, seemingly universal ideal of office. The way such language was utilized, however, was another matter, and this, I would argue, wound up having an effect on its meaning, which one can perhaps glimpse in studying the effects of periodicity on L'Estrange's use of the language of office.

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[25] *HR* nos. 1, 82.

**II. Periodicity & Change: *The Observator* as Literature**

Long ago, Max Weber noted the connection of newspapers with modern bureaucratic states, and it is further evidence of the decidedly non-bureaucratic nature of Restoration government that during the lapse of Licensing Act from 1678 to 1685, very few of the newspapers stayed in business for very long, an indication of their ephemeral nature.[26] It was precisely the regularity of the flow of information that makes bureaucracy possible, and the fact that newspapers originated in the needs of merchants and early modern governments during the wars of the 16th and 17th centuries bears this out.[27] Such regularity, of course, did not guarantee the credibility of such regularly scheduled information—then or now—and early modern thinkers grappled with the problem of how much of the information in pamphlets and newsletters could be relied on.[28] Some scholars and historians have attributed to this element of regular periodicity a change in human consciousness towards a "present" mindedness that undermines older notions of time *sub specie aeternitatis* that were familiar to early modern culture.[29]

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[26] Max Weber, "Bureaucracy," in *From Max Weber: Essays in Sociology*, trans. by H.H. Gerth and C. Wright Mills (New York: Oxford UP, 1958), p. 213.
[27] Sommerville, *News Revolution*, pp. 17-21; Joad Raymond, "The Newspaper, Public Opinion, and the Public Sphere in the Seventeenth Century," *News, Newspapers and Society in Early Modern Britain*, ed. Joad Raymond (London; Portland, OR: F. Cass, 1999), p. 124; Ian Atherton, "The Itch Grown a Disease: Manuscript Transmission of News in the Seventeenth Century," *News, Newspapers and Society*, pp. 42-43.
[28] Brendan Dooley, "News and Doubt in Early Modern Culture," *The Politics of Information in Early Modern Europe*, eds. Dooley & Sabrina A. Baron (London; New York: Routledge, 2001), p. 276. See also Brendan Dooley, *The Social History of Skepticism: Experience and Doubt in Early Modern Culture* (Baltimore, MD: Johns Hopkins UP, 1999); Sommerville, *News Revolution*, pp. 24-5, 28-32; Atherton, "Manuscript Transmission," pp. 46-47.
[29] Sommerville, *News Revolution*, pp. 3-16; Daniel Woolf, "News, History, and the Construction of the Present in Early Modern England," *Politics of Information*, pp. 80-83. Sommerville takes a negative view of this phenomenon as socially atomizing, while

Whatever the truth of such arguments, one might reasonably conjecture that the repeated invocations of cultural commonplaces—such as the language of office or conscience—might also affect the way in which contemporaries used such language by inflating their meaning through repeated use, and it is possible that print did have this effect.[30] One could also surmise that the periodicity may have contributed to this effect by making the use of the press more regular, less tied to particular events.

*The Observator*, however, was not a periodical in the strict sense that Care's *Pacquet*, or Rawlins' *Heraclitus Ridens* was a periodical, if by that denomination one means a *regular* time and date for publication; in the very first issue, which was titled "The Observator in Question and Answer," when he asks if this will be a weekly paper, "Answer" responds "No, No; but oftener, or seldomer, as I see Occasion."[31] Also, L'Estrange had the number of his serial bound and sold as three separate volumes, starting in 1684, indicating that he thought of his work as more than mere ephemera; in the preface to the first volume he explained the inclusion of an index (provided for each subsequent volume as well) by asserting that "a Better Method *could not well be* Expected*, for Digesting such a* Medly *of* Thoughts, *When* Every Day *Started* New Argument; *And* Every Paper *was to be* Accommodated *to the* Accidents *and* Emergencies *of the* Season. *In One Word*; *to have been more* Particular *would only have made the*

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Woolf sees this aspect as recreating human communities in an integrative way, similar to Habermas's theory of the public sphere. Joad Raymond has also emphasized the ambiguous formal aspects of pamphlets shaped debate in late seventeenth century England by keeping controversies alive, *Pamphlets and Pamphleteering in Early Modern England* (Cambridge: Cambridge UP, 2003), pp. 331-333.

[30] Condren, *Language of Politics*, pp. 74-75.

[31] *The Observator*, I.1.

*Bus'ness more* Intricate, *and* Tedious."[32] The indices for each volume were meticulous, listing persons, place names, and topics dealt with on a repeated basis in each volume. L'Estrange had already tried his hand at the news twenty years before with the *Intelligencer*, a task for which he was particularly ill suited, but now he had found his métier: his serial "medly of thoughts" would be published twice, thrice and sometimes four times weekly in its nearly six year run, responding not to a set publication schedule, but to events he perceived as public emergencies. And indeed it was a medley of thoughts, containing, as Lois Schwoerer has pointed out, virtually everything under the sun, including news, commentary, ballads, poetry, and advertisements for books.[33] What is more, by the end of *The Observator*'s first year L'Estrange was putting a list of the topics discussed in each number under the title of his paper, to let his audience know what to expect from it. This type of indexing was akin to the way some contemporaries arranged their commonplace books, compiling their thoughts under different headings, something that was characteristic of L'Estrange, as he was fond of compiling lists of sayings (such as in his *Dissenter's Sayings*, or his pamphlet against Baxter.)

As mentioned previously, such common-placing can be seen in the light of a certain presentation of self, and that perhaps L'Estrange's sense of his own persona can be glimpsed in the way he arranged his topics in *Seneca's Morals*.[34] As also noted earlier, the typographical aspects of his printed works which are so identifiable with L'Estrange, and which are reproduced in *The Observator*: the profusion of black letter and italic, which allowed readers to scan the page for key words and phrases, rather than

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[32] *The Observator*, Vol. I, "To the Reader."
[33] Schwoerer, *Henry Care*, p. 141.
[34] See chapter V, p. 213.

reading every sentence as a unit, which at the same time gave the reader the impression of orality, of overhearing a conversation between two people.[35] The fact that the real "dialogue" he conducted was against the various Whig newspapers did not detract from his ability to portray a dialogue typographically; the first thirty-one issues of the *Observator*, through July 7 1681, have one interlocutor's words printed in italics, the other in regular script, in order to strengthen the effect of two voices being present. Even in later issues, L'Estrange will often give large amounts of space to Whig or Trimmer to present their case, even if only to be refuted in the end. The size of *The Observator*, published in folio rather than quarto form (as was the case with *Weekly Pacquet*, *Heraclitus Ridens*, and most of his other competitors) probably allowed for this, but even this accords with L'Estrange's persona, as he seemed to want to overwhelm the government's opponents with the sheer volume of his writings, in both senses of the term.

The rest of this chapter will follow the life of *The Observator* from 1681 to 1687, showing how its fortunes were shaped largely by the fate of L'Estrange's political masters, and it will show how the periodical nature of his serial, however haphazard, began to have an effect on his view of who he was and what he was doing in producing it. In doing so, I hope to show that his claims to being a public person as author of *The Observator* were shaped by his perception that he was dealing with a series of emergencies, which he thought justified such claims, and how the semi-periodical nature of his endeavors was the more important element in the altering of his self-perception, rather than the technology of print itself.

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[35] Love, "The Dictates of Typography," pp. 178-79.

**III. L'Estrange & the Tory Reaction, 1681-83**

The reason the King was not yet sure of his throne even after his dissolution of the Oxford Parliament was that the Whigs still controlled the levers of power in London, the Mayoralty, Common Council, and especially the Sheriffs, who packed London juries with Whig sympathizers, effectively blocking the King's maneuvers.[36] The ultimate course Charles took was to remodel the municipal corporations of all the towns where Whigs were in power, but this could not really proceed until London had been subdued. This is why the fight between the Whig and Tory journals was so crucial, as they fought for the hearts and minds of constables and other local officials in London over a number of issues, and not merely Exclusion; Gary de Krey has identified four "contests" in the city which were effectively decided in 1681-82, over Parliaments, over control of the law courts, over the Church, and over control of the Corporation.[37] All four issues were prominent in the pages of the *Observator* during this period.

The Whig press had been attacking L'Estrange himself since his return in February, not least by Care, who satirized him for denying he was a papist.[38] L'Estrange responded in early April with his *Dissenter's Sayings*, a compendium of pericopes taken from prominent Dissenting ministers, purporting to show the contradictions in their protests of loyalty to the crown with their actual principles. He had already indulged in this technique with his *Casuist Uncas'd*, his attack on contradictions within Baxter's writings in 1680, something that would come back to haunt him when James came to throne and he was faced the same criticism. Other Tory journalists had entered the fray

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[36] De Krey, *London and the Restoration*, pp. 221ff.
[37] De Krey, *London and the Restoration*, pp. 222-225.
[38] *PC*, III.35, February 11th 1681; *CPSD*, Setp.1680-Dec. 1681, p. 139; Kitchin, *Sir Roger L'Estrange*, p. 234.

before him, as noted above, but L'Estrange soon took the lead in defending his beleaguered Tory allies in the city. Part of his contribution was to give recognition to those who were loyal to the king's government in the provinces, as way of demonstrating solidarity with those in London; often enough, this meant taking account of the "loyal addresses" that began to flood into the king after he dissolved the Oxford Parliament. In some of the first issues of *The Observator*, he took especial notice of the addresses from Bristol, where the reaction against the Whigs set in early, taking note of their several addresses and defending "M. *Thompson* of *Bristol*" from attacks by local Whigs, saying that he does "all the *Good Offices* of a *Churchman*, and a *Christian*, in his Parish, that Flesh and Bloud is well capable of."[39] He also made it his duty to expose the "*Forms* and *Common Places* of *Reviling*" that Curtis, Care, and the other Whig writers used against the government. Care in particular returned the favor, rehashing the charge that he was a papist and deriding him for having "*sculk'd* away into *Holland*," while he now "ventures abroad every day as certain as the Sun, in shape of an *Observator,*" satirizing L'Estrange's pretensions to being the government mouthpiece with scatological humor: "as formerly he pretended a Patent for *Fart-cracking*; so not to go too far out of his old Road, he now intends a Monopoly, for supplying all the *Bog-houses* in Town with *Bum-fodder*."[40]

Despite his mockery, the addresses, though some were surely the result of manipulation by Tory leaders, represented a genuine reaction,[41] and the exploits of L'Estrange and the other Tory writers had a following in the provinces from an early

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[39] *Observator* I.6, April 4 1681; for the Bristol addresses, see I.7, I.11, I.50.
[40] *Observator*, I.2, April 16 1681; *PC*, I.46-47, April 29 1681.
[41] For "popular" Toryism in London, see Tim Harris, *London Crowds in the Reign of Charles II* (Cambridge: Cambridge UP, 1987), chapters 6-7.

date.[42] Soon Care began to complain that "I know not what it is some Men may call the *Government*" when "every little *Whiffling Scribler*, Every Hot-headed Black-mouth'd *Privileg'd Barker* takes upon him to be the Government, tell *L'Estrange*, or *Thompson*, or *Heraclitus*, that they Print every Week Sedition." He understood the claims implicit in what L'Estrange was saying about the addresses, that his writings and those of the addresses spoke in some sense on behalf of the government, which was something he could not let pass, as he too affirmed that "Obedience is an indispensable Duty" but insisted that the Common Council represented the nation better than the Tory juries in the provinces.[43] L'Estrange for his part shrewdly turned complaints about the illegitimacy of the addresses into platitudes about the power of the people in the mouths of his Whig interlocutor in the *Observator*, who in one issue said he did not aim at the addressers as a whole, just "those *Sham-Addressers* only, that Act in the *Name* of the People, without the People's *Commission*." In another issue, when the Whig voice complains that such addresses "*Create* Factions" and insinuate that those who will not join with them are disloyal, Tory replies "Where's the *Faction* of Uniting in a *Common Duty*?"[44] Conversely, he savaged the Whig petitions for a new parliament, as well as their base in the City Nonconformists, whom in one *Observator* he parodied as an ape he called a

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[42] John Rylands Library, Legh of Lyme Letter, Sterne to Richard Legh, April 19 1681; *Impartiall Protestant Mercury*, 12 May and 7-10 June 1681, cited in Goldie, "L'Estrange's Observator," p. 75.

[43] *PC*, May 13 1681; *PC* May 20 1681. No. 50 is actually entitled "The Protestant Courant." For more Whig comment on the addresses, see *Smith's Protestant Intelligence, Domestick & Forein* no. 14, March 14-17 1681, which contains a report from the Assizes at Chelmsford, complaining of the irregularities of the election of the Grand Jury which presented "several Protestants for not coming to Church," on the grounds that it was chosen from a very small group of people, three of whom "were of the former *Abhorring Jury*; and the fourth is esteemed amongst his Neighbours no very Zealous Protestant," which meant "the Project against the Address was Baffled."

[44] *Observator*, I.5, April 24 1681, I.29, July 2 1681.

"Disagreer" and has a "Meeting Tree" for his gatherings.[45] Throughout the summer, L'Estrange and the Tory writers helped keep up the drumbeat so that their allies would not lose heart while the Whigs still controlled the city, playing a role similar to that played by the press in 1659-60.[46] That is to say, they were operating under the assumption that this was a public state of emergency, and their critics responded in kind: on August 31, the publishers of the major Tory journals were condemned by a grand jury in the Old Bailey for "maliciously printing and publishing…three scandalous and seditious papers and libels…tending to the Advancement and Introduction of Popery, and to the Suppression and Extirpation of the True Protestant Religion within His Majesties realm," while L'Estrange himself reported "I hear that *L'Estrange*, *Heraclitus*, and *Thompson* are to be *hang'd next Parliament*."[47] To these writers, the very government itself was at stake, and they wrote and justified their writings according to that perception.

The government, however, continued to move cautiously against the City in the summer of 1681. It attempted to have two Tory sheriffs elected in June of 1681 but the two Whig candidates easily defeated them, a situation the king would soon come to regret as he moved against Whig critics in the law courts, in preparation for the attempt to prosecute the Earl of Shaftesbury. In July the government arrested two Whig agitators, Stephen College and John Rouse, on charges of plotting against the king, before arresting Shaftesbury himself, but the jury which tried College returned a verdict of *ignoramus* on July 8. The jurymen were mostly tradesman sympathetic with College, and twelve of the

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[45] For a send up of the petitions, see I.27, April 25 1681; I.37, July 27 1681.
[46] De Krey, *London and the Restoration*, p. 244; Kitchin, *Sir Roger L'Estrange*, p. 279.
[47] Kitchin, *Sir Roger L'Estrange*, pp. 282-83; *Observator* I.45, August 20 1681.

nineteen were also nonconformists, empanelled by the recently elected Whig sheriffs; L'Estrange declared in an *Observator* that the jurors had "Entertain'd *Vile, Care, Janeway, Curtis*, and *Baldwin* for their *Council*," and privately commented that there was a "design to seize the King and force him to a compliance, or serve him as they did his father."[48] College was eventually tried at Oxford, where he was executed on August 31, but the government was beginning to realize that to get at the Whig leadership it needed to attack its lower echelons in London, in order to gain control of the levers of power there. The election of John Moor as mayor in September 1681 brought a more sympathetic figure to that post, (L'Estrange remarked after his election that had someone else been elected "the Government of the City had been devolv'd upon some other person, less sensible of his Duty to his Sovereign, and to the Publique Good") but the Whig sheriffs were still in power, and as a result their continued pursuit of Whig leaders and their supporters was frustrated. In October 1681, a jury in the Old Bailey returned an *ignoramus* for John Rouse, and on November 28 a second attempt at convicting Shaftesbury met the same fate.[49] Shortly thereafter, the government of Charles II began its quest to remodel London's charter in order to bring its Corporation under control of the crown.[50]

L'Estrange meanwhile kept up his attacks, pressing the idea, by now popular among all the Tory writers, that there was a Presbyterian plot the behind Popish plot trumpeted by the Whig writers; in early September he published *Reformation Reform'd*, a reply to Francis Smith's tract outlining proposals for religious toleration, in which he

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[48] *Observator*, I.34, July 16 1681; Letter to Lord Yarmouty, July 8 1681, BL Add. MSS 36988, 168.
[49] De Krey, *London and the Restoration*, 237; Kitchin, *Sir Roger L'Estrange*, 278.
[50] De Krey, *London and the Restoration*, 237; Western, *Monarchy and Revolution*, 75.

again made parallels to 1640, and later that month his *Notes on Stephen College*, which attempted to debunk his status as a Whig martyr. In October he also published the second part of *Dissenter's Sayings*, and he was still active in trying to hunt down the authors of seditious pamphlets during this period, as his letters to the Secretary of State attest.[51] This is perhaps why, despite the fact that others made contributions to the cause, L'Estrange had become by this time the symbol of the Tory push back against the Whigs, with Care dubbing his serial the "*Infallible Observator,*" mocking "his boasted Imploy, as *Guide to the Inferior Clergy*," and referring disparagingly to his self appointed duty to publish it as the "*Cat-disciplining* Office lately erected in *Holborn*," or "the *Catholick Libell-Office* in *High-Holborn*." Care's employers well understood L'Estrange's role in trying to oppose their efforts as well.[52] This identification came about because L'Estrange was the most readily identifiable author among the Tory writers, something paralleled in the Tory writers identification of Henry Care as the main Whig author with whom they contended; like L'Estrange, he was indefatigable, not only publishing the *Weekly Pacquet* and *Popish Courant* every week but also largely writing the *True Protestant Mercury* and the *Impartiall Protestant Mercury* by himself as well.[53] The bookseller and printers were, as always, the main targets of Tory invective, but Care probably seemed like a fitting symbol for the same reason L'Estrange did for the Whig writers. They both made "conscience" of what they were doing, both appealed, implicitly

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[51] SP 29/417/54, 55, 56, letters to Leoline Jenkins, October 23 1681. For a timeline of his publications, see Geoffrey Kemp, "The Works of Roger L'Estrange: An Annotated Bibliography," *Roger L'Estrange and the Making of Restoration Culture*," p. 206.
[52] *PC*, November 4 1681, November 25 1681; *CSPD*, Sept. 1680-Dec. 1681, p. 628, a letter of "Private Advice" dated December 17 1681 notes his role in producing "libels and invectives on the Parliament." L'Estrange lived in Holborn Street during this period.
[53] Schwoerer, *Henry Care*, p. 143.

but also explicitly to the ideals of office that all shared. Thus they made identifiable for each other what they regarded as the perversion of those ideals, something the use of dialogue by so many writers must have encouraged.[54] This is especially important when one considers how fluid was the line between government agent and private citizen in Restoration London, as such clarity must have been very appealing to Whig and Tory alike.

But the crown also had its way of simplifying the situation, by remodeling town charters, for the king was determined to "have better assurance of juries," and after Shaftesbury's acquittal in November of 1681 he began his moves to replace London's charter with a new one.[55] The move against Dissenters had begun in earnest by that time as well, with Tories pushing for renewed enforcement of the Corporation Act in addition to laws against Dissent, and in May of 1682 the Hilton gang was unleashed on London Dissenters.[56] Meanwhile, the long campaign to either destroy or turn the informers and witnesses who had concocted the Popish Plot began in earnest that fall as well; in December and early January of 1682, L'Estrange was busy trying to turn Simpson Tonge against his father, which an infuriated Care decried in a *Popish Courant* on January 6.[57]

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[54] Schwoerer, *Henry Care*, pp. 146-47. According to Schwoerer, dialogues were popular during the 1650s but aside from L'Estrange's *Citt and Bumpkin* were rare before the Exclusion crisis spawned its many serial dialogues.

[55] John Miller, "The Crown and the Borough Charters in the Reign of Charles II," pp. 71-72; De Krey, *London and the Restoration*, p. 237.

[56] Miller, "Crown and Borough Charters," p. 72; De Krey, pp. 241-246; Goldie, "The Hilton Gang," p. 46. Care has one of his "Tory" interlocutors in the *Popish Courant* declare that his parson "told us last Sunday, 'twas a *Duty* to seize and worry Dissenters, and that it was their own faults if their Brains were beat out, for why the Vengeance don't they Conform?", December 12 1681.

[57] L'Estrange reprinted his correspondence with Tonge in *The Shammer Shamm'd* in February of 1682. See Kitchin, *Sir Roger L'Estrange*, pp. 292-94. Care declared that for someone who had abused Tonge and "the *public*" it was "necessary to punish

And he still kept up his attack on Care and his fellow travelers, not only in *The Observator*, but also in a pamphlet of late 1681 titled *A Word Concerning Libels and Libellers*, dedicated to the new mayor Sir John Moore, who had already issued a general admonition against seditious printing. Care responded by pressing the accusation that he was a papist[58] and again derided him for having "*dubb'd* himself a *Body Politic*, sometimes his own silly self is (forsooth!) the *Government*, sometimes the *Church*…Alas Man! Has he places enow already; is he not *Mouth Extraordinary* of the Faction? Principal *Forger* of flams and *Shams*?"[59] As the battle over who would control the city heated up, this was an increasingly important question for those like L'Estrange and Care, for if they could not speak in the name of the government, i.e., if their socially superior employers lost the struggle, it could very well have meant the loss of their lives.

Thus Care's assertion that L'Estrange had identified himself with the government was not hyperbole, for L'Estrange, as his career up to that point has demonstrated, could come quite close to doing just such a thing. The difference with *The Observator* is the way in which L'Estrange's identification of himself with government is that he now identified himself with the government via his mask as *Observator*. For example, in one issue the content summary at the top proclaimed that "*The* Observators *Enemies*, and *the* Governments *all One*," and the "Tory" in the dialogue claimed that "it is a *Justification* of my *Self* also, to shew that *My Adversaries* are in Common with the *Profess'd Enemies* of *Publique Order*." He then dares the Whig to find someone he attacked that had not

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exemplarily the Villain, that in Print has broach'd such an horrid Scandal on the *Honour, Justice, Prudence*, and *Safety* of the Nation," *PC*, January 6 1681.

[58] *PC,* IV.10, February 24, 1682; IV. 20, May 5 1682; *Impartiall Protestant Mercury*, no. 103, April 14-18, 1682.

[59] *PC*, IV.7, February 3 1682.

attacked him first, "nor upon *Him* either, in any case, where my *Duty* to the *Government* was not the Question; And *then* you must Excuse me, Friend, if I *Ferret* them out in all their *Haunts*. If any man speaks ill of *L'Estrange* 'tis all one to Me, as if he had say'd it to the *Observator*."[60] Such hyperbole might have been accurate in the summer of 1681, when the Tory journals kept up the morale of their members while the King and his government were slow to act. But the spring of 1682, things were changing; though the king would not have effective control of the city until a pair of Tory sheriffs were elected later that year, he was now writing with its blessing rather than in spite of it, and it is important to note that L'Estrange was still writing as if nothing had changed since the launch of *The Observator*. Part of the reason why, of course, was that the perpetrators of the deed, the informers and their defenders in the press, were still at large. This is why L'Estrange began in April a more than year long campaign to discredit Mile Prance, the goldsmith who had testified in the murder trial of Sir Edmund Godfrey. L'Estrange claimed that Prance had made an antependium for the altar at Somerset House, and that rather than supplying silver screws, he used brass screws instead.[61] This farcical attempt to discredit Prance was answered by the non-stop repetition of the stories by Prance that L'Estrange had been at mass, reiterating it not only in print but also in taverns and coffee houses that L'Estrange frequented.[62] He also began his pursuit of Oates at this time, but it would be another three years before this would bear fruit in Oates' scourging and pillorying. The point is that the state of emergency which, in L'Estrange's mind, was the justification for his journal was not resolved by his paper being affirmed by the

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[60] I.120, May 5 1682.
[61] *Observator*, I.117-18, 120, 123, 125-27, 138, 142, 197; *Impartiall Protestant Mercury*, nos. 99, 101-2.
[62] *Observator* I.126, April 22, 1682; Kitchin, *Sir Roger L'Estrange*, p. 295.

government; only with the elimination of those who had started it in the first place could it be safely brought to an end.

Meanwhile, the struggle for control of the London city government continued, replete with processions, feasts and dinners headed by the leaders of both "loyalists" and their Dissenter friendly opponents in London, among which L'Estrange came to play a conspicuous role, both as object of Whig fury (as he had for some time) but now also as hero to the Tory cause.[63] These types of dinners and feasts took place with greater frequency throughout the spring of 1682, as the government began trying to gain control, unsuccessfully, of the Common Council of London, and the king began to test his political standing by announcing the return of the Duke of York from Scotland in January.[64] All of this activity was in some ways prelude to the looming contest over the election of new sheriffs that began in May but which did not end until September of 1682, and was contested months afterward in the law courts.[65] That the balance of power would swing toward the king and his adherents was not lost on the various writers and publishers engaged in the struggle, as besides the outpourings of the Whig and Tory serials there were a number of pamphlets printed in anticipation of the actual election. These pamphlets debated, sometimes in minute detail, legal arguments over whether the lord mayor had the right to nominate candidates for sheriff, which Sir John Moore was now doing at the king's insistence; this of course was directly related to the whole issue of London's charter, against which the government had issued a *quo warranto* in December, and which often provided the context for pamphlets on the upcoming election

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[63] Harris, *London Crowds*, p. 182; De Krey, *London and the Restoration*, pp. 250-54; Kitchin, pp. 279, 287.
[64] De Krey, *London and the Restoration*, p. 250.
[65] De Krey, *London and the Restoration*, p. 255.

of sheriffs.[66] The whole question of the mayor's disputed right to nominate a candidate for sheriff was a microcosm of the battle over the king's attempt to remodel London's charter, something that L'Estrange was not remiss in pointing out in the *Observator*.[67]

What L'Estrange also did was attempt to discredit the Whig juries that were still acquitting writers in the employ of Shaftesbury and his allies. L'Estrange commented on the Whig juries that acquitted Care and Janeway of libel charges in May, contending that they falsely acquitted them with only the "*Whimsy* of that which Every Profligate Wretch shall tell ye is *his Conscience*" as reason for acquittal, which "Perverts the very *State* of Things, it makes *Good* to be *Evil*, and *Evil* to be *Good,* to make the *Measure* of the *One*, and the *Other*." This criticism is one that he launched against Dissenters, Whigs, and later Trimmers alike, namely that they "make a *Conscience* of *Every thing*; and of Nothing," and so reduced all duty and morality to naught, and were therefore subversive of all order and government.[68] Care and his friends vehemently denied such a charge; it was show in the previous chapter that Francis Smith made the traditional claim in 1681 that juries had to do by their own consciences,[69] and Care for his part denied L'Estrange's claim that "the *Jurors* of *England* (men generally both for *Quality, Estate, Honour,* and *Integrity*, above a million of sharking, fawning, *Crust-fed* Observators) have *not made*

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[66] On the Whig side, see *The Right of Electing Sheriffs of London and Middlesex* (1682); *A Modest Inquiry Concerning the Election of the Sheriffs of the City of London* (London: Henry Mead, 1682); and *The Case of the Sheriffs for the year 1682* (London: Thomas Parkhurst, 1682). For the Tories, see *The Prerogative of the Right Honourable Lord Mayor of London, Asserted* (London: Samuel Mearne, 1682). A quick search of Early English Books Online database reveals around twenty-one pamphlets and around a dozen or so ballads published concerning the election of the sheriffs for that year.

[67] See *The Observator*, I.160, 161, 164, 174, 177. In these *Observators* from June to July of 1682, L'Estrange both quotes approvingly from Tory pamphlets about the right of the Mayor to nominate sheriffs and decries Whig pamphlets saying the opposite.

[68] *The Observator*, I.142, May 24 1682; I.355, June 12 1683. See also I.32, July 9 1681.

[69] Smith, *Narrative*, pp. 2-3.

*any conscience of their Oaths*."[70] Care also responded more generally to the charge that he and his Dissenting friends were subversive of government, claiming that the government should "be regarded with *all* respect and veneration, and he that goes about to *disturb* and *vilifie* it, deserves exemplary punishment," but that there was a "parcel of *Vermine* that horribly prophane the word, though they are not fit for the Office of a *Scavenger*, they call themselves *The Government*." Towards the end of the turmoil over the sheriffs' election, L'Estrange gave a backhanded compliment to Care in one of his *Observators* ("really, to give him his due,—'tis a Pen might deserve to be employ'd in a better Cause,"), but Care returned the compliment by describing L'Estrange in much the same terms that his Tory foe described him: L'Estrange's only cause is "To Dress *Lies* up in Robes of Truth, and brand *Truths* for *Lies*," and "an *Observator* is a kind of…Over-grown Spider, that turns the most innocent honest sense into rank Poyson; a Fury that perpetually Dreams wakeing, of *Presbyterian Plots*…Raving in his *Sleep* of nothing but *Rebellion, Sedition, Treason,* and *Forty One*." But "as for *Care*, he has *no Cause* to serve, but that of God and the King, the Common Interest of the Protestant Religion, and welfare of the Nation; to oppose and detect a company of Villains, who with *Shams* and false pretences of *Loyalty*, seek to involve us in Confusion, and advance Popery, and subvert our Religion and the Government."[71] One can see in such vituperation the outlines of what was at stake in the minute wrangling over juries. To L'Estrange, the jury men that acquitted Whig libelers were imposing their own private, individual consciences upon that of the government's public conscience (which he implicitly represents); while

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[70] *PC*, V.3, September 9 1682.
[71] *The Observator*, I.204, September 11, 1682; *PC*, IV.24, June 2, 1682; V.4 September 24, 1682.

Care thought they were acting precisely as agents of legitimate government by following their oaths and individual consciences. And any attack on what either considered was a legitimate act of conscience on the part of the government must of course be a move to subvert it totally.

This is the sort of argument Care resorted to when on July 14 two different sets of sheriffs were elected in a tense atmosphere where the trained bands and other armed men commonly made their appearance. Care asserted that if the Tory sheriffs were installed it would "overturn the very basis of the City Government," and that it would be a "new way of destroying the Charter without a *quo Warranto*," while also making a comparison between the siege and capture of Constantinople by the Turks with the present condition of London in the *Weekly Pacquet*.[72] Implicitly, he was making the same appeal that L'Estrange was, that he represented the forces of order and government that were threatened by the forces of chaos. L'Estrange was sensitive as well to Care's gibe that he was merely a private person, and not the "government," and he shrewdly attempted to deflate by putting it in the mouth of his Whig speaker in *The Observator*:

> *Whig*: "Pray Mr. *Tory*, after all your *Zeal* and *Stickling* for the *Publique Good*; you are no *Prime Minister*, *Privy Councellor*; *Judge;* or *Justice of the Peace*; Are ye? By what *Authority*, or *Commission* is it then that you are thus wonderfully *Officious*, and *Busy* in the Ordering of the *State*? If you do all this in a *Private Capacity*; doubtless you have either a *High Conceit* of your *self*, or a very *Mean* one of those that his Majesty has intrusted in the *Administration*; to Act as if the *Government* could not stand without *your Assistance*."
>
> *Tory*: "To Answer your Flourish now, in short: It is very true, that *mine* is but a *Private* Station: But Certainly I have a good a Right to Scribble,

[72] IV.30, July 14, 1682. The two former Whig sheriffs who were finally defeated on September 28th evidently thought the same thing, claiming that the city was now "come under a military government," De Krey, *London and the Restoration*, p. 268.

> in the *Defence* of the Government, a other men have to Expose it to *Dishonour*, and *Contempt*: Beside the Common Privilege of a Liberty to lay open the Infamy of my Accusers in my own Particular."

The ultimate reason for this was, as always, that "Every Subject of the Kings to bring into the world with him, not only a *Commission*, but an *Obligation* to perform this *Office*; and to be as much bound to a *Vindication* of those *State-Libells* that now Swarm up and down the Nation; as by *word of Mouth* to Support the *Truth* of *Matters* and *Credit* of the *Same Interest*, against the *Shams*, and *Defamations* that I meet with Every day in *Ordinary Discourse*."[73] By the time the dust had settled, and the mayor had declared the Tory sheriffs the victors, Care was proclaiming to the "*Man-Catcher*" (L'Estrange) in his dialogue that "I have no interest in City-transactions, so I shall remember the sacred Character of all Magistracy, and my own Duty. All I shall, or ought to do, is to pray God to bless the *Chair*, both now and hereafter, with the Spirit of Justice, Truth, undisguised Loyalty, and an honest English Protestant Soul."[74] L'Estrange for his part understood they were making the same types of appeals that he was, only theirs were the very opposite of a good office: "that's a Damn'd Way though, for People to throw out *Scandalls* against their *Prince* One day and take up men for *Scandalum Magnatum* against *Themselves*, another. But that's only in Case of *Necessity*, I suppose." Interestingly, L'Estrange was still referring to the production of such libels as an "office," something noted in the last chapter when he fled to the continent in 1680: ""*Libelling*, I

[73] *Observator*, I.147, June 1, 1682; I.162, June 28, 1682.
[74] *PC*, V.7, October 6, 1682.

tell ye, is a *Mean Office*, and none but *Mean Fellows* will *Execute* it," suggesting that shift in the way he used the term was becoming standard for him.[75]

The election of the king's candidates for sheriffs was the final turning point in Charles II's struggle against to gain control of London government, but as Gary de Krey has noted, the Whigs continued to contest their election, especially in the courts, for another year. That November, the last and most raucous of the Whig processions was held on the 6th to celebrate Guy Fawkes day (the 5th had fallen on Sunday that year) in which a group of young Whigs were accosted by another group chanting in favor of the Duke of York, and violence ensued as the Whig supporters began searching out and destroying the property of known Tories in London, among them L'Estrange's house, from which they stole chairs, beds and other items to make a bonfire with.[76] The Whigs that fall began simultaneously to pursue legal action against Sir John Moore and to discuss the idea of armed resistance.[77] As the year turned, L'Estrange was slowly gearing up his campaign against Titus Oates, at first cautiously probing the fictitiousness of the Oates' "doctorate" from the University of Salamanca, preparing for his more direct assault and subsequent prosecution once Oates' popularity (which was still high in 1682) had died down; he also began tormenting his old adversary Baxter, cataloguing his sins against the Stuart dynasty, which would serve as a preparation for his trial in 1686.[78] Most importantly, by the end of 1682, the government felt confident enough to shut down most of the Whig newspapers; L'Estrange gloated in November of that year "*The True*

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[75] *Observator*, I.179, July 13, 1682.
[76] Harris, *London Crowds*, p. 187.
[77] De Krey, *London and the Restoration*, pp. 344-46.
[78] On Oates', see *Observator*, I.225, 227, 237; *PC*, V.11, 25, 29. On Baxter, see *Observator* I.310-11, 315; *PC* V.34. See also Goldie, "Roger L'Estrange's *Observator*," 77-80.

*Protestant Mercury is laid to Sleep with his Fathers:* Mr. *Henry Care is Departed*, and not to be found."[79] Care would in fact continue to publish the *Weekly Pacquet* and the *Courant* into 1683, despite being charged for libel in late 1682, only folding up shop on July 6 1683.[80] The closing date of the longest lived and most successful of the Whig serials was not coincidental, for it was in that month that news of the Rye House Plot first broke.

Thus by the middle of 1683, the crisis that had initially led L'Estrange to publish his serial was over, or at least beginning to abate. The cursed Whig writers had been silenced, Shaftesbury was dead, and at the beginning of October the city of London was forced to give up its Charter.[81] The revelation of the Rye House Plot gave reality to the warnings that L'Estrange had been sounding for nearly forty years about the dangers of Dissent. This would seem to have been the time for ending *The Observator*, as the justification for it was soon to be gone. But L'Estrange was not finished with the enemies who had started the crisis in the first place, and as a result he continued justifying his serial even as he became the lone public voice (besides the *London Gazette*) allowed in print.

**IV. L'Estrange's Public State of Emergency, 1683-1685**

The first half of 1683 found L'Estrange hard at work tracking down seditious pamphlets, having long since been back in the employ of the Secretaries of State for that purpose, but arguing that he should be put back on the commission of the peace in order to better pursue them he complained to Secretary Jenkins about the lack of

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[79] *The Observator*, I.234, November 1, 1682.
[80] Schwoerer, *Henry Care*, pp. 170, 174; Kitchin, *Sir Roger L'Estrange*, p. 304.
[81] De Krey, *London and the Restoration*, p. 385.

encouragement he received in his venture and also "how I am the subject of very venomous libels for doing my duty."[82] In June, just as the king had managed to force the Common Council of London to agree to new restrictions on its authority, the government was already collecting information about what would come to be known as the Rye House Plot, a plot that was hatched among a group of lawyers and ex-Cromwellian soldiers to assassinate the king in March of 1683, which never materialized (a plan for a rising lead by the Duke of Monmouth, the king's illegitimate son, was also being thrown around at the same time). The evidence for the whole affair is still somewhat obscure[83] but the revelation of the Rye House Plot proved to be the death knell for the first Whig party. It certainly proved a boon to L'Estrange, who condemned pretty much all Nonconforming Protestants as being at least culpable for it: "I reckon Every man to be *Constructively* in it, that went along with the *Dissenters* till *This Discovery*, and does not *now*, Openly Renounce and Abominate the Accursed Interest, and Practices of the Whole Party." Such severity was nothing new for L'Estrange, who had long protested that the doctrines of the Dissenters led naturally to such behavior, but at least one historian has argued that the Rye House Plot owed more to the religious ideals of

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[82] *CSPD*, Jan.-June 1683, 261, 299, letters to Sir Leoline Jenkins. About the lack of encouragement he received from his superiors he wrote "I have Cassandra's fate, not to be believed when I speak truth, nor am I supported against villains in the most necessary services I can render. I speak this with all respect to the Honourable secretary," letter to Jenkins, June 26, 1683, SP 29 425/75.

[83] On the plot, see Doreen J. Milne, "The Results of the Rye House Plot and Their Influence on the Revolution of 1688: The Alexander Prize Essay," *Transactions of the Royal Historical Society*, Fifth Series, Vol. 1, (1951), pp. 91-108; Philip Milton, "John Locke and the Rye House Plot," *The Historical Journal*, Vol. 43, No. 3 (Sep., 2000), pp. 649-50. Also see De Krey, *London and the Restoration*, pp. 372-382.

"sectarian" Protestants than to Whig grandees such as Russell and Sidney.[84] In any case, it provided nearly a month worth of *Observators* for L'Estrange, and also provides more evidence that his use of the word "office" had indeed altered; speaking of the role of Robert Ferguson, the nonconformist preacher and plotter, L'Estrange wrote that he didn't know of "*any One Man* in't, that was not of *Ferguson's Congregation*...Only as they serve in their *Several Ways*, & *Offices*, toward the *same End*." That he thought of the machinations of plotters as "offices" suggests that L'Estrange has come to think of "offices" in a "realist" sort of way, rather than as a set of nominal constructions, as Conal Condren has argued.[85] The periodic repetition of such an idea—as he explained in another *Observator* later that year, a "Good *Office* with a respect to the *Publique*, is *Matter of State*, as well as a *Bad* One"—could be seen as a reflex on L'Estrange's part, who was anxious to quell what he saw as the confusion about what were the "real" offices of king and subject: "Princes…are to *Answer* for the *Rights*, and *Prerogatives* of Rule…Subjects for the *Duties* of Reverence, and Obedience."[86] L'Estrange, as already notd, saw his public role very much in light of this sort of attempt at clarifying the language of office, of reminding the people of their obligation to obey, and with the power of the government strengthened they had more than his words to remind them.

This would help explain why he kept on publishing after 1683, when with the surrender of the London charter, the death of Shaftesbury, and the execution of Russell and Sidney, the public state of emergency would seem to have ended. All of

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[84] *Observator*, I.368, July 3, 1683; De Krey, *London and the Restoration*, pp. 377, 382. For L'Estrange's coverage of the Rye House Plot, see also I.369-70, 372, 374, 375, 377, 379, 380.
[85] *Observator*, I.368, July 3, 1682; Condren, *Argument and Authority*, p. 372.
[86] *Observator*, II.94, July 7, 1684.

L'Estrange's worst fears and dire predictions of the past few years seemed to have materialized with the discovery of the plot to assassinate the king, and he was not going to waste the opportunity to publicly scourge those who had caused the crisis in the first place, or to simplify the language of office, to solidify the "liquid empire of office" by giving it repeated solidity in the form of his secular "sermons" in *The Observator*. His primary object for this goal was his pursuit of Titus Oates, who with the fall of his popularity became a much easier target in 1683-84. His *Observators* ridiculed everything from Oates' testimony, his religion, his conversation about L'Estrange in the taverns of London, his memory regarding how many papists aided Charles II's escape out of England from one who "speaks so *Nicely* to *Particulars*, as an *Evidence*," as well as Oates' homosexuality, for "he is no less Famous for the *Impurities* of his *Body*, then for the *Execrable Pollutions* of his *Soul*."[87] Oates was for him the personification of all the evils that the crisis had dredged up—his hypocrisy, ingratitude, dishonesty, fanaticism, and even at a physical level his sexuality seemed to embody for him the perversion of the natural order of things as L'Estrange envisioned it.

Oates' chameleon like way of twisting the truth to whatever suited his narrative made him a cipher for the other targets of L'Estrange's fury during this period, namely Dissenters and "Trimmers," whose name begins to appear in this period as a participant in *The Observator*'s dialogue in the fall of 1682. It was the Dissenters whose "*Conscience* is *Blanck Paper*; and you may *Write* Any Thing upon it," that made it necessary to rigorously enforce laws against nonconformity, in order to "*shame*

[87] II.59, May 10 1684; III.41, May 13 1685; I.439, 450, II.6, 16, 59, 119; Goldie, "Roger L'Estrange's *Observator*," pp. 74-75. For more on Oates in this period, see also I.453, II.54-8, 74, 127, 167, III.2, 40, 44.

Hypocrites; that make a *Conscience* of *Every thing*; and of Nothing," and who "Squares the Scriptures to his Interest; and his Duty to his Convenience. He shall bring ye the *Turning* of a *Pan-Cake*, to a Case of Conscience."[88] This emphasis on the arbitrariness of the Dissenter's conscience was corollary to his longstanding complaint against the extravagant language of Dissenting preachers, whose gyrations and exclamations were a tool to gull the simple at their meetings, who "come thither *Blanck-Paper*, and let the *Teacher Stamp* what he will upon them, they take the *Impression*."[89] This was an ancient theme by now with L'Estrange, but he applied it with almost no change to Trimmers, who were merely "the Whig in masquerade," the "religious hermaphrodite," whose way of being friends is "Sticking at the *Mark*, (I perceive) whether it be *Right* or *Wrong*; and, at the same time, that you Value your self for being *True* to Every *Thing*, you are *True* to Nothing," whose moderation means that Trimmers are "your *Right Amphibia*, that… are Any thing or Nothing."[90] His attack on those who were desirous for reconciliation was criticized later by those such as John Evelyn, who thought he "rather kept up animosities than appeased" when then there was no longer any occasion for it, but L'Estrange disagreed. There were still those at large who would delude the common people out of their duty: in one issue, Trimmer chides Observator for

> "*Prescribing*, by your Own Authority, the *Metes*, and *Bounds* of *Publique Duties*. Pray what *Commission* have you to play the *Censor*, and *Dictator*, at this rate?"

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[88] II.59, I.355, II.89.
[89] *Observator* III.85, September 9, 1685. On Dissenter's language in the *Observator*, see Goldie, "Roger L'Estrange's *Observator*," pp. 78-80.
[90] *Observator*, I.240-44, II.5, 39; Goldie, "Roger L'Estrange's *Observator*," pp. 80; Thomas C. Faulkner, "Halifax's "Character of a Trimmer" and L'Estrange's Attack on Trimmers in the "Observator"," *Huntington Library Quarterly*, Vo. 37, no.1, (Nov., 1973), pp. 71-81.

> *Obs.*: "In these Instances, *One Private Man*, as I take it, has as much *Right* to Assert the *Government*, as *Another* has to Defame it; as much *Right*, I say, to put People Into the way, that are *Wheedled* Out on't, as *Another* man has to Mislead 'em."[91]

Such complaints as voiced by his "Trimmer" would not become effective against L'Estrange until after James came to the throne, and 1684 can be seen as his high-water mark in terms of his worldly success. Though in late 1683 he could be threatened physically[92] and legally[93] by Whigs, and evidently was still in enough financial distress to be beg for the pension still owed him for the News book,[94] by 1684 he was being showered with gifts by the universities and members of the "*Long Robe*" for the "public works" he had performed with the *Observator*,[95] while the Stationers Company had finally been brought under royal control in October of 1684. (Significantly, L'Estrange had asked to have the Company directly under his control, but Jenkins evidently thought better of it.)[96] He had been made a Justice of the Peace by Charles in that year as well, and was given toward the end of the year a royal commission to pursue charges of perjury

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[91] Evelyn, *Diary*, IV, p. 439; *Observator*, II.143, October 2, 1684.
[92] An anonymous letter postmarked August 20, 1683, informed L'Estrange that "we have very convenient alley ways in town to slit a man's windpipe or to drub or hamstring him, to send him to a tobacco plantation, etc.," SP 29 / 430/ 148.
[93] In October of 1683, a former press messenger, Robert Stephens, who had formerly worked for L'Estrange, entered a charge of libel against him for an issue of the *Observator*, in an effort to shut the serial down at this late date. See *CSPD*, Oct. 1683-April 1684, L'Estrange to Charles Hanses, October 18, p.42; Kitchin, *Sir Roger L'Estrange*, pp. 327-28.
[94] *CSPD*, July-Sept. 1683, p. 401, letter to Sir Leonline Jenkins, September 17.
[95] *The Observator in Dialogue,* Vol. I (1684), "To the Reader." In this first bound volume of his serial, L'Estrange asks, in regards to the monies he received for his work, "are not All *Publique Benevolences; Publiqe Works; Public Acknowledgements*; the *Same Thing*?" The emoluments he received amounted to a thousand pounds according to Miles Prance, *A Postscript to the Observator's First Volume* (1684) Wing P3175, p. 2**.**
[96] Kitchin, *Sir Roger L'Estrange*, pp. 326-27.

against Titus Oates; finally in December 1684 his office as Surveyor was formally resurrected.[97] Though he would also be made a knight by James the next year, he was never again in such esteem as he was at that moment.

One can detect something of his popularity from the printed defenses that Miles Prance and Titus Oates published in that year. In a work entitled *A Postscript to the Observator's First Volume*, which Prance admits in the preface he did not author entirely himself, he meekly protested his unease in crossing "with a Gentleman *of known Abilities*, and *reputed Loyalty*, so high in Popular esteem, of so large an Invention, and *taking Expressions*, and one who will be sure to have the *Last Word*." More interestingly, he is careful to separate out L'Estrange the man from his persona as *Observator*, acknowledging "his Character, as…a *Magistrate*," but declaring "'tis not with Mr. L'Estrange the *Justice*, but with *L'Estrange* the *Observator* my Dispute lies; if he send out a *Legal Warrant*, I will obey; but if he publish things *false* and *scandalous* of me, I see not, why I may not *Answer* it, without being Taxt as guilty of any Disrespect to the *Government*." In fact, throughout the tract, he refers more to "the Observator" than he does to L'Estrange, and often unconsciously elides the two. It was the *Observator*'s purported office that he objected to: "I know no man that can promise himself security from having his Reputation *fly-blown* with the most *damnable Scandals*, if he happen to fall under the *Observator*'s displeasure, and such lewd Practices be suffered to pass with impunity." The lewd practices he refers to also include L'Estrange's spying activities, for Prance says "*my Dayly Conversation is beset with Spies, and no man (though never so honest and Loyal) That comes into my Company, but is presently in danger of being*

[97] Kitchin, *Sir Roger L'Estrange*, p. 323; *CSPD*, May-Feb. 1684-85, p. 256.

*exposed as a Phanatick, and markt out (right or wrong) to the fury of the Rabble*." In short, Prance was contesting the nature of L'Estrange's de facto office, which had by this time become known in the popular mind as "The Observator."[98] The fact of *The Observator*'s popularity in some ways eclipsing L'Estrange's own persona can be seen in the prefaces to the last two volumes of the *Observator*. In the preface to the second volume, published in 1685, he boasted of his paper's effect in having Oates pilloried and whipped, which were to

> *Dress up Honest Titus*, for a *Pillory*; which could no way be *Better done*, then by giving the World a *Tast* of his *Character*, his *Manners*, *Life*, *Conversations*, and *Palpable Perjuries*, and *Contradictions*, *before-hand*: for he was *Half*-Hang'd in *Effigie*, before ever he was *Doom'd* to a *Procession* at the Carts-Arse; and when the People had once before pas'd *Sentence* upon him, in an *Observator*, there was no great fear of having *Reason* done him, before a *Court of Justice*: and it wanted but a *very few days*, of having it done within the *Compass* of *These Papers* too, when *my Purpose* was, to have, *Finish'd* the *Confusion* of *That Monster*, and the *Complement* of *This Second Volume*, Both Together.[99]

L'Estrange's identification of his serial as a weapon to destroy Oates in this passage is striking, but even more so is the casual and evidently un-self aware assertion that *The Observator* actually spoke *for the people*. That the Coriolanus of pamphleteers was now gloating about how his weekly paper spoke for "the people" indicates both that his success had gone to his head, but also something perhaps about the nature of the press, as his persona had taken center stage now not only in his interlocutor's minds, who constantly refer to him as such, but also in L'Estrange's. More particularly, it might

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[98] Prance, *A Postscript*, pp. 1, 8, "To the Loyal Protestant Readers."
[99] *The Observator in Dialogue, Volume the Second* (London: William Abingdon,1685), "To the Reader."

signal something about the periodicity of the press, for L'Estrange, no matter how much he may have wanted to identify his cause with the king's, had never really identified himself with the text of his pamphlets. But with *The Observator* how, for the first time, he seemed to inves his persona in a set of texts that would be his testament to posterity.[100] Apparently, the constant if irregular repetition of the *Observator*'s schedule made it easy enough for him to slip into an identification of himself with his print persona without noticing it, something that was not the case with his *Apology*. This is especially true given the crush of work he was involved in, particularly during the hunting of Oates. Several private letters he wrote to Lady Yarmouth, a family friend of the L'Estrange's, in January and February of 1685, attest to his workload: "This Presse of Oate's Business lying wholly upon my Hand, takes up every moment of my Time, in some Respect or Other… It must be a work of Time, and study to make the Acknowledgments that may become a Person under my Obligations, both to yr Excellent Self, and Family." L'Estrange claimed "The present hurry of my Indispensable Affayres keeps me an Affable Slave: and without one moment that I can call my own," rendering it impossible for him to keep "my most necessary Offices of Justice, Duty, & good manners" to the Yarmouth family.[101] He likely had precious little time for his family as well, especially as his activities against Dissenters never abated either.[102] Overall, one gets the impression of someone being lost in his work, as his slip of referring to himself as spokesman for the people indicates.

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[100] See the discussion of his "To Posterity" below.
[101] Letters to Lady Yarmouth, January 30 1685, and February 11 1685, BL Add. MS, 27448, 306; see also his letter to her of May 16, 1685, BL Add. MS 27448, 296. He was also hunting down Baxter at this time as well.
[102] Kitchin, *Sir Roger L'Estrange*, p. 346, note 5.

By the end of Charles II's reign, what began as an attempt to appeal to a certain segment of the London populace which was informally involved with the government (or at least potentially involved), became over time a vehicle of L'Estrange's own aggrandizement, and the illusion of a public debate that, first in textual combat with the likes of Care and others but then by himself, bred the illusion of a stable public identity, one that outfaced the various anti-personae that his Whig tormentors had tarred him with—Towzer, Crack-fart, Don Rugero, Hodge, and so forth—that of "the Observator." And further, what was originally justified as being part of a larger office, of defending the government in a time of public emergency, became a particular office in its own right, a permanent one of serial pamphleteering in defense of the government. His critics were right to point out this discrepancy, and soon this illusion would come to an end, as would L'Estrange's public career.

**V. Revolution as Identity Crisis: James II & the End of Office, 1685-88**

What ultimately brought *The Observator* to an end was the death of Charles II, and the succession of James II. Charles had never been particularly fond of L'Estrange, nor terribly appreciative of his efforts on his behalf, and he likely viewed Roger with the same ambivalence with which George Savile, the Marquis of Halifax, viewed the loyal addressers, as interlopers who usurped the king's voice for their own ends.[103] With his brother it was another story, as he made L'Estrange a knight for his services to him and the crown in May of 1685. James began his reign in a cautious enough fashion, promising the Parliament that convened in April of 1685 that he would faithfully preserve

[103] During the height of the exclusion Crisis, Halifax had written that though the petitioners for a new parliament had spat in the king's face, the addressers had "spat in the king's mouth," quoted in Knight, *Politics and Opinion*, p. 334.

the establishment in both church and state.[104] But the experience of Monmouth's rebellion convinced him that divine Providence was on his side, and he accelerated the pace with which he began putting Catholics in places of authority, and dispensing with the laws against Catholics. By the end of 1686, he had seemingly given up on his Anglican councilors, removing the Hyde brothers from his inner circle of advisors, and replacing them with Catholics.[105]

Charles' nominal Protestantism made L'Estrange's Erastian religious beliefs tolerable for the High Church segment of the Church of England when he espoused good will toward Catholics at a time of crisis. Under his Catholic successor, the crisis having passed, they would become L'Estrange's undoing, as the perception of his softness towards the Church of Rome was used against him by his enemies. L'Estrange had in fact never ceased to speak well of Catholics in *The Observator*. Care in one of his *Popish Courant*s had chastised him for taking "such pains publickly to be the *Papists* Advocate," especially for claiming that Catholics did not start the Great Fire of London; L'Estrange claimed that the monument erected in London to the Fire was a "*rank Reflection on the Papists*."[106] He continually pressed, against the claims of Oates and others, the good service of Catholics to Charles I, as well as the "*Offices* of *Humane Life*" that he had received at the hands of Catholics.[107] He argued that Catholics could be good subjects, denying the charge that all Catholics were bound by their faith to destroy all heretics, and

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[104] W.A. Speck, *James II* (London: Longman, 2002), p. 35.
[105] Speck, *James II*, pp. 40, 48.
[106] *PC*, IV.23, May 26, 1682; IV.25, V.40, 43; III.89, 92; *Observator*, I.143, May 25, 1682; I.344, 349.
[107] *Observator*, I.271, January 13, 1683; II.6, 12, 112.

hence all Protestants.[108] Such tolerance could be indulged in when it was a matter of refuting the plots of fanatics to undermine the Church of England, but with the approach of a Catholic sovereign, the mood within the Church of England changed quickly. Even before James came to the throne, there were rumblings against L'Estrange's all too warm defense of his Catholic friends, especially as his campaign against Dissent had come to include Church of England ministers who dared minister to some impoverished Dissenters in an attempt to bring them back into the Church of England.[109] One of them in particular, a William Smythies, fired back a reply to "the Observator" in which he proclaimed his own sufferings during the Interregnum and derided L'Estrange for his apparently cushy life during the period. He also recommended that L'Estrange refrain from publishing his serial, or at least from interfering in ecclesiastical affairs in it. But most damningly, he hurled the very accusation that was to ruin L'Estrange, asking whether the very same charge of being a "Trimmer" could be thrown at the Observator for all his kind comments about Catholics.[110] (Smythies also published a letter sent to him by an "unknown hand," which railed against L'Estrange for having turned against the Church party, and more interestingly says that his "common-pace Jests of *Forty one* will all be lost upon me, for I was not then born," suggesting L'Estrange's message was begin to lose its potency amongst a younger generation.)[111]

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[108] *Observator*, II.145; also see I.229, 300.
[109] *Observator*, II.2, 30, 120; Kitchin, *Sir Roger L'Estrange*, pp. 352-56.
[110] William Smythies, *Three Replies to the Observator* (London: John Southby, 1684) Wing S4375, pp. 2, 4, 6. Also see *Observator* II.209, January 29th, 1685, in which L'Estrange gloated over the death of the Dissenting minister William Jenkins, which centuries later incurred the ire of Macaulay.
[111] Smythies, *Three Replies*, pp. 33-36.

All of this opened him up to renewed attack. In December of 1684, a detractor published *The Observator Prov'd a Trimmer*, a tract dedicated to proving the assertion made by Smythies earlier that September. Though Kitchin says it was published through the auspices of Dissenting printers, the tract is dedicated to "the Clergy of the Church of England," and harangues L'Estrange for undermining belief in the Plot (in particular for undermining Oates and Bedloes' narratives).[112] But it saves its greatest opprobrium for his defense of Catholics: "What need was there for the Protestant Observator to foul his Fingers in being their Advocate?" Most of what the pamphlet alleged against L'Estrange—undermining belief in the Plot, denying that Catholics started the Great Fire, and in general treating them better than Protestant Dissenters—had been canvassed before, but coming at a time when a Catholic successor was expected, the anonymous author's claim to be a defender of the Church of England was all the more damaging, as he cited "the *OBSERVATOR'S*" ill-treatment of Church of England ministers against him (including Smythies).[113] (The anonymous author refers to him as "the Observator," not as L'Estrange). The pamphlet was quite popular, going through at least five editions within a year of its publication, and L'Estrange himself reported people looking at him "with a fleering kind of compassion after that unanswerable piece *O.P.T.* with such a look as I remember the City Marshall gave me when he delivered me up to the Keeper of Newgate in order to my execution, "Pray, sir, be civil to him, for he's a gentleman," with one side of his mouth drawn up to his ear at the word gentleman."[114]

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[112] *The Observator Prov'd a Trimmer* (London: J Allen, 1685) Wing O123JA, pp. 3-9.
[113] *Observator Prov'd*, pp. 24, 37-38.
[114] *Observator*, II.199, January 5, 1685.

But this warning sign went unheeded by L'Estrange. He still insisted, with characteristic imprudence, if not impudence, on the normality of Catholics and their faith after James came to the throne. Mark Goldie has called L'Estrange's attempts to mainstream Catholicism "remarkable," but that hardly captures the extremity of his endeavors. He insisted, for example, on publishing the names of all the Catholics who had helped Charles II flee from the battle of Worcester, citing his concern for the honor of the "Roman Catholiques (*to the* Last Man *of 'em*)."[115] He complained that "we are Struck into such a *Vein* now adays, of an *Unjust* and an *Unmannerly Zeal*, that he is no longer a *Right Church of England-man*, that, if a *Phanatique* Steals a *Horse*, will not Consent to the *Hanging* of a *Papist* for't: As if *Justice*, *Common Sense*, and *Reason*, were to be *Exterminated* out of the World."[116] In one *Obersvator*, he wrote he could not trust people who played up the errors and corruptions of Rome only to "Expose the *PERSONS* of *Roman Catholiques*, to the *Hatred, Envy,* and *Outrages* of the *Common People*, under the *Masque* of *Combating* their *RELIGION*. The [*PERSONS*] I say, without any manner of *Exception*." In the same pamphlet, he went even further, declaiming that "These *Spiritual Bullies* should do well to Consider the Terms of *Morality*, and *Good Manners*, in the Course of their *Heats* and *Polemicks*; and not to turn *Christian Argumentations*, and *Encounters*, into *Pagan*, and *Theatrical Degradations* (?)" These last two passages are all the more striking when one considers the date on which they were published—January 30, 1686. It is mind boggling that L'Estrange would hurl the same invective against Anglicans that he had against Whigs and Dissenters on the anniversary of Charles

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[115] *Observator*, III.246; *The Observator in Dialogue*, Vol. III (London: Charles Brome, 1687), "To Posterity," p. 1.
[116] *Observator*, III.44, May 27, 1685.

I's execution, and lecture the very Church men that nourished his career about how "*Truly Canonical, Church-of-England-Men*; Those *Dutyfull,* and *Heroical Christians*, that his Majesty has *Stamp'd* with the *Character*, of *Men* of Loyal Principles…in all these *Captious*, and *Contentious Cases*…will not suffer their *Zeal* to Pass the Bounds of their *Duty*."[117] These kinds of attacks quickly sabotaged the good standing he had recently won with the Church of England.

There is little evidence that L'Estrange was a papist, though his replies to those accusations were never strong enough to satisfy his detractors. On the possibility of reunion with Rome, he was evasive, saying that "I have never deliver'd any thing more, upon *That Subject*, then a *Charitable Wish*, and *Prayer*, in *Contemplation* of the *Possibility* of *Gods bringing into the way of Truth, All such as have Erred, and are Deceived*." In answer to the charge that he wrote for papists, he wrote that "if I have Endeavour'd to *Rescue* the *Integrity* of *Honest Men*, from the *Subornation* of *Villains*; I have done no more, then what in *Justice*, *Conscience*, and *Duty*, I was *Bound* to do," presumably referring to his work against Oates and company.[118] It was hardly a reply to assuage critics, many of whom still believed in the Plot. Most likely it was his personal relationships with Catholics, combined with his near Erastian view of monarchy, which made such charges believable, and it was only natural for his enemies to suspect him of having gone over to Rome.

This was doubly the case as L'Estrange continued, throughout the existence of *The Observator*, to press claims for passive obedience,[119] for the nullity of private

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[117] *Observator*, III.137, January 30, 1686.
[118] *Observator*, III.42, May 16, 1685; III.136, January 27, 1686.
[119] *Observator*, III.122, 191, 197.

conscience in matters of state,[120] the double conscience of the king,[121] the bigoted nature of Dissenters, their preachers, their language and their academies.[122] The Monmouth rebellion in June gave him fresh reason to descant upon "the Word Protestant…What is Protestant, I prethee, according to the *Style-Current* of *Republicans*, and *Dissenters*, but a kind of *Popular Hood*, or *Cloak*, to Cover *All manner of Traytours*?"[123] All of this fed the accusation that he was a papist. L'Estrange still reiterated the distinction between matters of religion and matters of state that he had in *Toleration Discuss'd*, and attempted to separate himself from Catholic doctrines (such as transubstantiation and veneration of images) while still respecting Catholics as persons.[124] He also appealed to the natural offices of human life to justify his soft line on Catholic dissent from the Church of England; Catholic dissent was "only a *Dissent* of Opinion," while the beliefs of Protestant Dissenters struck at the government. Such a dismissal of theological differences as mere "opinion" bordered on the skeptical, and it was an apprehension not shared by many of his contemporaries, but quite characteristic of L'Estrange. But he even went farther, and articulated a distinction between "Order" and "Religion" which contradicted his earlier assertions in the 1660s that religion was a matter of order, as he had in *The Character of a Papist in Masquerade*.[125]

It was the religious policies of James that now necessitated this sharpening of distinctions, and which would eventually doom L'Estrange. As 1687 approached, and it

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[120] *Observator*, II.208, III.43, 138
[121] *Observator*, III.42, 128.
[122] *Observator*, III.85, 88, 106, 122.
[123] *Observator*, III.50, June 20, 1685; III.54-56, 58.
[124] *Observator*, I.271, III.136, 220.
[125] "The Foundations of Civil Power are a Matter of Order, not Religion," *Observator*, III.138, Februrary 3, 1686.

became clear the Anglican establishment would not go along with James' dispensation of the laws for his co-religionists, James began to contemplate a Declaration of Indulgence.[126] L'Estrange had published a defense of himself in pamphlet form entitled *The Observator Defended* in October 1685, dedicated, ironically, to Henry Compton, the bishop of London, whom the Ecclesiastical Commission set up by James would deprive of his spiritual functions, and who would be one of the seven peers who invited Prince William of Orange to invade the kingdom in 1688.[127] He also published a declaration of his allegiance to the Church of England addressed to the king in an *Observator* of 1686, claiming that his Anglican "*Persuasion does not Work upon the Religion of my Allegiance*."[128] Though he asserted that he would not "be *Hiss'd* out of my *Duty* by the *Upper Gallery*," the writing was on the wall,[129] and he could not live down the contradiction between his espousal of absolute obedience to a Catholic monarch in a self proclaimed "*True Son of* the Establish'd Church of England,"[130] nor the contradiction with his new master's policy of religious toleration, which L'Estrange had so often proclaimed was death to the body politic. On March 9, 1687, reportedly at James's insistence,[131] L'Estrange published the final issue of his serial, protesting that he had retained the same loyalty under one the previous king as he did under his successor, and had only penned what he did because princes should not be slandered even for their

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[126] Speck, *James II*, p. 52; Schwoerer, *Henry Care*, p. 190.
[127] *The Obersvator Defended* (London: Charles Brome, 1685) Wing L1283; Speck, *James II*, pp. 47, 73.
[128] *Observator*, III.136, January 27, 1686.
[129] Roger himself had reported rumors that "the Observator is Prohibited, and kicked out of the Coffee Houses in Oxford" a year earlier, in a letter to Arthur Charlett. Ballard MS XI, 54, Bodleian Library, January 19, 1686.
[130] *Observator*, III.131, 136.
[131] "Tis said Sir Roger is commanded not to write any more *Observators*," Luttrell, *Brief Relation*, I, pp. 392, 396.

religion (even if it was erroneous).[132] Less than a month later, on April 4, James issued his first Declaration of Indulgence, and a month after this the Privy Council ordered the Declaration to be read in all the churches of the kingdom.[133]

Such actions naturally led to a confrontation with the Church of England, and combined with his efforts to pack the new parliament James II had called to meet in November of 1688, the fears of many about a Catholic sovereign seemed to have been realized; the subsequent trial and acquittal of the seven bishops, the birth of his son in June 1688, the invitation of the seven peers asking William of Orange to come to England (and who had been planning to invade since April), all built upon this fact.[134] James II had not alienated "public opinion" but elite opinion. He had presumed, much like L'Estrange thought it should, that loyalty to the monarch would trump religious differences, but had not calculated his subjects' distrust of Catholics. This is largely why he lost the subsequent propaganda campaign about the Declaration itself.[135] More interesting is the way in which both the king's religion and his actions put people like L'Estrange in a bind, as it put their religious and political loyalties to a test none of them wanted.[136] In a very real way, it exposed people to the threat of being in contradiction with themselves: L'Estrange's last volume of *Observators* are littered with claims that he has not changed at all.[137] He had long hurled the charge at Dissenters that their

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[132] *Observator*, III.246, March 9, 1687.
[133] Speck, *James II*, p. 62.
[134] Speck, *James II*, pp. 62-66; Eveline Cruickshanks, *The Glorious Revolution* (New York: St. Martin's Press, 2000), pp. 19-23.
[135] Schwoerer, *Henry Care*, p. 199.
[136] Speck, *James II*, p. 63.
[137] "I have *Ransackt* my *Breast*, and my *Papers*; I have *Shifted* my very *Soul* to the *Shirt*" but can't say he has changed. It was not the "Observator *has lost the* Whole World,] But the Miserable Whole World (say I) *has lost the* Observator," his critics whose

professions of obedience did not match up with their actions (particularly in his *Dissenter's Sayings* and his pamphlets against Baxter) but now the shoe was on the other foot. But this problem was not unique to L'Estrange; it could be said to have plagued many who involved themselves in the debate over James' Declaration. L'Estrange defended the king's right to issue the indulgence along side his old nemesis, Henry Care, who was recruited in the spring of 1687 to defend the Indulgence, and became its chief spokesman.[138] Care defended not only the king's ability to dispense with the penal laws but also the idea of toleration—even for Catholics, which given his prodigious efforts to smear them lead naturally to charges of being a turncoat.[139] For High Church men and their allies there was the embarrassment of having to oppose, however passively, their king, after they had been proclaiming the doctrine of passive obedience for so long, while "moderates" like Halifax had to persuade Dissenters not to accept James's offer of toleration and return to the Church of England, which they had criticized for persecuting them previously; Dissenters, obviously, had to overcome their revulsion against Catholicism to accept toleration from James.[140] The confusion this must have caused thinking people might explain why anti-popery played such a role in the propaganda surrounding the Revolution of 1688: it must have helped dispel such confusion by

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"*Heads run* Round, *and because Mine will not* Turn, for Company, *I'm to be an* Apostate."*Observator*, III.227, November 17, 1686; III.223, November 3, 1686.

[138] Schwoerer, *Henry Care*, p. 190.

[139] Schwoerer, *Henry Care*, p. 196. Care claimed that he was motivated by his "Duty" to serve the king, p. 196.

[140] Schwoerer, *Henry Care*, pp. 197, 201; Cruickshanks, *Glorious Revolution*, p. 19; Gary de Krey, "Reformation and 'Arbitrary Government': London Dissenters and James II's Polity of Toleration, 1687-88," *Fear, Exclusion and Revolution: Roger Morrice and Britain in the 1680s* (Ashgate: Burlington, VT, 2006) ed. Jason McElligott, pp. 14, 17, 22.

simplifying the issues at stake. This is particularly true when one recalls the fluidity of religious identity during the period of the Restoration.[141]

That L'Estrange felt this to be so is clear from a remarkable preface he wrote to the final volume of *The Observator* in 1687, entitled "To Posterity." The next chapter will discuss his views on posterity, but suffice it to say that he defended his "*Office*" as author of the serial as "an *Honest* and a *Necessary Duty*" while noting that "*Men*…do not always know their *Own Mind*," claiming he had written them "without the least *Change* of *Mind, Resolution, Countenance*, or so much as of *Pretence*" for the last four years against the enemies of Church and State. Thus in order to escape the malice of "my *Pretending Friend*," he had decided to "Address my *Self*, and my *Matters* to *Posterity*," hoping for a more sympathetic audience in future ages.[142] As ever, though disavowing any intention to contend for "the *Single Credit* of the *Observator*, or his *Trifling Papers*" he yoked his cause and his sufferings with those of his masters as he always had, putting to the "Gentlemen of the Next Age" the question "whether or no I have *Discharg'd* all these *Offices*, Truly, Candidly, Faithfully, Soberly, as a Good Christian, a Loyal Subject, an Honest Man, and a *Hearty Lover* of his *Country*, Ought to do," to clear him of the "Common Fame" of "*Halting betwixt Two Opinions*" of "*Inconsistency with my self*," admitting that upon the "*Crisis* of *That Great Revolution* (when James came to the

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[141] Spurr, *Restortation Church*, p. 180; Andrew Starkie, "Gilbert Burnet's *Reformation* and the Semantics of Popery," *Fear, Exclusion and Revolution*, pp. 140, 152-3. It is no coincidence that Locke wrote his *Essay Concerning Human Understanding* in this period, in which he confronted the problems of sustaining "Personal Identity" over time. See his *Essay Concerning Human Understanding*, ed. Peter Hidditch. (Oxford: Clarendon Press, 1975), II.XXVII, §7, 9-10.

[142] *The Observator*, Vol. III, "To Posterity," p. 1.

throne as a Catholic) I *Chang'd* the *Bias* of my Papers a little."[143] The preface shows L'Estrange's whole identity was bound up with *The Observator*, and that he expected judgments about his character to be based upon it. Thus, though in 1684 he had feared he would be become known as "a *Pamphleteer*; And (almost) to Lose the *Name* of *Family*, by it, in *Exchange* for that of the *Observator*," the effects of political power and periodicity had indeed altered his perception to the point where he was willing to base his future reputation upon what previously he would have seen as a disposable mask.[144]

L'Estrange's identity did change over time, though perhaps not in the way his accusers meant. He kept for the most part to the same view of what the particular offices of civic and religious duty required, but as has been noted, he appears to have come to view offices in general in more realist terms than he had before over the course of the last several years of his public career. With *The Observator*, he came to see his public persona as contained in its pages, but this was the result of having to oppose the Whig serials of 1681-1683, and the exigencies of publication. The need to publish a serial on a semi-regular basis, unlike the occasional pamphlets, such as his *Apology* twenty years earlier, gave him the habit of referring to himself in the persona he had created in those pages, as did his critics. But this persona was dependent upon the fortunes of those more powerful than he was, and so his implicit claim to be a public person, to act as the de facto "conscience" of the nation in his serial, was dependent on them as well. Thus once he lost the backing of elite opinion within the Church L'Estrange, like James II, was left dangerously exposed to the charge of being inconsistent—of his civic duty being in conflict with his religious duty, as he claimed to understand them. No charge could be

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[143] "To Posterity," pp. 1-2.
[144] *The Observator*, Vol. I, "To the Reader."

more damaging, but if James II had been a Protestant, or L'Estrange not been so willing to publicly defend Catholics, he might notr have lost his position. But then he would have been a whole other person, someone other than Roger L'Estrange.

# CHAPTER VII
# THE PRIVATE L'ESTRANGE, 1688-1704

Roger L'Estrange lost his offices in government—as licenser of books, Surveyor of the Press, and Justice of the Peace—following the Revolution of 1688, he was forced from the place in public life he had worked so hard to establish from the 1660s onward. He lived the rest of his life as a "private" person, no longer able to influence public events in that capacity. This final chapter will examine him as a "private" person in the last years of his life: as a father and husband dealing with family difficulties in the last years of an impoverished existence, as a dissident Non-Juror and Jacobite, and as a popular translator. It will show that his view of the world and of himself was still shaped by the language of duty and office that had pervaded his public career, and will argue this shows the language of office was not a specifically public or private language. More precisely, it will argue that his translations embody this ideal of personhood, epitomized above all in his beloved Seneca, but whose articulation can be glimpsed in his other literary translations as well. Finally, it will give some consideration to how he appealed to posterity in his works, and attempted to shape his posthumous reputation, speculating on the role printing may have played in this, and how it perhaps affects our view of L'Estrange's persona.

## I. The Offices of a Family Man

One learns more about his family concerns during his last years than at any other time during his life, in the letters he wrote to his nephew Nicholas in Hunstanton, from the middle of the 1690s to his death in 1704. In fact, there really was a "private" realm in his world, but one that was still a matter of duty, and the kind of Cicerionian or Senecan

identity, predicated upon the performance of one's offices, betrays itself even in the most intimate moments of his life.

L'Estrange, as noted in a previous chapter, married Ann Doleman at about the time the Popish plot first broke; subsequently they had six children together, though only two, a son named Roger, and a daughter named Margery, are known to have survived him. He recorded the death of his eldest child, Hamon, in an *Observator* of February 1684, in which he lamented his son who was "born upon Good Friday 1678, and died last Thursday last, 7th February, and I do persuade myself that it is as great a loss as any man ever suffered in a child under six years of age."[1] The strain his political activities must have put on family relations, given that his father-in-law was a Whig, can only be imagined, as likewise the strain of supporting such a large household must have put upon him in such impoverished circumstances. It is hard to suppose that L'Estrange was a great father to his children, with his declining health in the years just prior his marriage and the enormous amount of work he was involved in while still in public office, and his relationship with his daughter Margery seems to confirm this.

Margery was his eldest daughter, and there are some eight letters in the L'Estrange papers which attest to the anxieties that she caused him. Apparently, she was sent to live with his nephew Sir Nicholas, the baronet and head of the family in Hunstanton, at least as early as 1693; a letter of Roger to Nicholas of that year expresses that "My heart akes for feare of that Addle-headed stubborn Girle of mine that has ye Honour to be under yr Protection and Charity at present under your Roofe."[2] The same

[1] Love, 'Sir Roger L'Estrange"; *Observator*, II.16, February 15, 1684.
[2] Letter to Sir Nicholas L'Estrange, July 2 1693, LEST/P 20, 166.

letter makes clear that L'Estrange was keenly aware[3] of his and his daughter's position, and grateful for his nephew's kindness, promising that "I shall however struggle w/ all difficultys rather than render myself a burden, when I owe so much Service." In the same letter he relates his ill health, saying that "I am both by [constraint?] of Age and Infirmity upon ye brink of Another World," and that his neighbors are his "torment": he is subject to "Extensive Rigour of Impositions. I keep myself within ye Compass of a very Slender Acquaintance and Conversation, saving only in Coffee-houses where ye whole world is ye Judg of my behaviour," perhaps referring to his Jacobite endeavors.[4] One gets the impression of sincere gratitude for his nephew's help but also a knowledge in the old knight of how to use the very language of duty he was so steeped in to sooth relations with his benefactor, acknowledging his nephew's place as head of the family while apologizing for the behavior of "my Girle" as he called his daughter.

But eventually Margery became such a nuisance that Sir Nicholas was forced to place the girl with his brother John Le Strange, as "she will consort with none but servants, and then those of the meanest sort," and though Nicholas would not "fault her in all the inferior offices" he insisted on from her, she was "wholly averse to anything whatsoever of businesse or employment."[5] Roger claimed that "I have made frequent Inquiries into her Behaviour, and would never Learn anything more than that she was a [Pert?] & forward Child," and asked his nephew's advice about her, saying "I would be

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[3] Letter to Nicholas L'Estrange, LEST /P 20, 166, "she has Brains enough to understand both her father's Circumstances and her own, and so much of her duty as to Keep her within ye bounds of Sobriety, and good manners, and not to cast her self away Irrecoverably."

[4] Letter to Nicholas L'Estrange, LEST /P 20, 166.

[5] Roger to Nicholas L'Estrange, June 19, 1699; LEST /P 20 185; Nicholas to Roger L'Estrange, July 3 1699, LEST /P 20 186; Nicholas to Roger, July 24, 1699, LEST P/20, 189. There was also talk of putting her in a boarding school in these exchanges as well.

willingly Enformed in the Particulars that I may know how to deale wth her."[6] Margery was evidently like her father, for in Roger's opinion "Margery I perceive was never cutt out for a Country Lady," much as he was not cut out to be a country squire, and having been raised in London she may have found life at Hunstanton uncongenial.[7] L'Estrange attempted to take all of this in stride, saying it was not "my Choyce to be Poore, Impotent and Friendlesse; but if my destiny will have That to be my Lot, God's will be done." As to his daughter, he wrote he would "willingly distinguish betwixt the Levityes of ye child and ye Iniquities of ye Father, but it is a Common case in ye world, for the Innocent to suffer for ye guilty: among Parents and children Especially, who are naturally united in one Common Fate of good or evil," and swore that "by God's assistance she shall never fayle of the best Offices from mee of a Carefull, and a Tender Father."[8]

At least in his letters, his sense of duty as a father never failed him, and as late as 1701 a letter details Margery bringing him pens to write with from Hunstanton,[9] but soon after she nearly broke the old man's heart by embarrassing him in the most sensitive ways possible—by going over to the Church of Rome: "The Late Departure of my Daughter from the Church of England to the Church of Rome Wounds the very Heart of me." In a letter to an old family friend, Sir Christopher Calthorp, he averred that as "a Man of Honour and Conscience" brought up in the Church of England, "I have been true to it Since with a Firm Resolution with God's Assistance to Continue in the Same to my Life's End," and had the letter attested by two witnesses, to be used in case "this Scandal

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[6] Roger to Nicholas L'Estrange, July 6 1699, LEST /P 20, 188.
[7] Roger to Nicholas L'Estrange, July 24, 1699, LEST P/20, 189.
[8] Roger to Nicholas L'Estrange, August 5 1699, LEST P/20, 190.
[9] John L'Estrange to Nicholas, February 4, 1699, LEST P/20, 199: "Sr Roger being in want of good Pens, his Daughter carry'd him 2 of those she brought up wth Her, wch gave him such Content as he was wishing he could have a Hundred of them."

to be Reviv'd upon my Memory when I am Dead and Gone."[10] It is possible that she did this to spite her father, as she must have known how much it would have wounded him, but on the other hand it may be she was influenced by the atmosphere of her family's native seat. Christopher Calthorp, who had been Nicholas L'Estrange's legal guardian after his father died, was almost certainly a "church papist," as both of his daughters were Catholics, one of whom, Anne, would marry Nicholas' L'Estrange's son Thomas in 1724, who was also Catholic.[11] In any case, it was embarrassing for Sir Roger who had sacrificed much of his life in service to the Church of England, and whose religious allegiance would be a subject of conjecture long after his death,[12] as the belief that he had gone over to Rome circulated for many years despite his protestations.[13]

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[10] Lewkenor Le Strange to Nicholas, LEST P/20, 202. The letter is contained in another letter from Lewkenor L'Estrange to Sir Nicholas, whose date is uncertain but identified in the archives as Easter Sunday 1702, though it sounds as if he must have discovered it after Roger's death, as he found it "amongst ye Bishop of Ely's papers, & thought I might presume to communicate them to you. Sr Roger's was in the first page of his Josephus, but I do not know his hand; & we want here to know the two witnesses." I have not been able to identify Lewkenor L'Estrange's relationship to Sir Roger.

[11] David Cherry, "Sir Nicholas L'Estrange, His Politics, Fortune and Family," *Norfolk Archeological Review*, Vol. 34, part 3, (1968), p. 319; F. J. Devany, *The Faithful Few: A History of Norfolk Roman Catholics, 1559-1778*, pp. 24, 89. Thomas and Anne L'Estrange had no children, so when the family title reverted to Sir Henry L'Estrange in 1751, the family became Protestant again, but would again become Catholic after the relaxation of the penal laws in the 19th century; see Devany, *Faithful Few*, p. 121.

[12] A letter in the Bodleian Library, dated August 20 1735, recounts how a dying friend had a Roman priest with him in his last hours, and declined the services of a "Non-juring Clergyman," which led the writer to remark "it was Sr Roger L'Estrange's desire (after his Daughter had been seduced into that communion) that all these gent. [Catholic priests] should be kept from his dying bed," Ballard MS, XIX, 18.

[13] In 1736 an antiquarian, whom I have been unable to identify, sought to "vindicate an injured memory" as a "D.D. of our Church of Hereford has spent his time so laudably as to publish a new English Translation of Esops Fables: And (they say for I have not seen it) has reflected on Sr R.L. for apostasizing in extremis to the Ch. of Rome," Ballad MS, XIX, 30, January 31 1736. The D.D. referred to is almost certainly Samuel Croxall, a Whig clergyman who in his translation of Aesop wrote that though L'Estrange never proclaimed openly that he was "Pensioner to a Popish Prince, and that he himself

During this last period of his life, Roger was also trying to recover from his father-in-law Thomas Doleman part of his wife's dowry from their marriage settlement, and there are numerous letters between himself and Sir Nicholas which detail his efforts to help the older man recover the money for the purpose of settling some on his children. Sir Nicholas was owed some money for his efforts from Doleman, and the debt appears not to have been settled until after well after Sir Roger's death.[14] There are hints in one of the letters that Sir Nicholas was a bit wearied by Roger's importuning; in it, Roger denies the "the phansy of my Suffering upon ye Remove [Margery's removal]; there was nothing in it but base matter of Fact; without ye least Colour of a Complaynt, as if I were ill used," and that "as to yr mentioning or not mentioning of past obligations: yr Case and Mine are quite (disparate?) as to That Poynt: for ye Benefactour Governs himself by One Rule, and the Receiver by Another," but goes on to express relief that Nicholas is "pleased to repeat and continue to me the profession of ye same Friendshippe and good Offices upon all occasions as formerly."[15] Nicholas later recorded some aphorisms for his son's edification in a private manuscript, in which he admonished his son Hamon that

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profess'd the same unaccountable Religion," his reflections on Aesop "would discover it to us," *Fables of Aesop and Others* (London: Thomas Astley, 1728), ESTC T118327, "Preface." Samuel Richardson, in his 1736 edition of Aesop, defended L'Estrange's integrity while omitting some of his more politicized fables from his edition, *Aesop's Fables With Instructive Morals* (London: J. Obsborn, Jr., 1736), ESTC T164572, "Preface," pp i-xi, xiv.

[14] Roger to Nicholas L'Estrange, August 27 1695, LEST P/20, 173, in which he reproduces Dolman's statement that "I admit the Thousand Pounds to be well Charg'd, and to be Payable as you say; and shall be very Willing to do any Thing that is Reasonable, to serve my Brother, and the Children." See Roger to Nicholas L'Estrange, October 10 1695, LEST P/20 174; Daniel Bedingfield to Nicholas, Feburary 29 1695, LEST P/20,175; see also the letters in LEST P/20, 176, 177, 188-90, 194, 196. There are letters in the Norfolk Record Office which indicate that Sir Nicholas was still wrangling over the money in 1711, LEST P/20, 250-51.

[15] Roger to Nicholas L'Estrange, August 17 1699, LEST P/20, 191.

"All persons ought to be cautious how they Invite ye people to reside sometime in theyr Familyes, for often from private Reasons the Parents are perhaps glad to be ridd of them, so they become pinn'd upon the Inviters, and seldom past without Disobligations on one side, if not on Both," and one can imagine that he might have had Margery on his mind when he penned it.[16]

One can see from the above that L'Estrange and at the very least his nephew Nicholas saw their familial relationships in terms of duties and offices; the "private" sphere, such as it existed for them, was still very much one defined by presuppositions of office. But the most eloquent expression of the total integration of his life with such presuppositions is a letter he wrote to Sir Nicholas in 1694 upon the death of his wife. Anne L'Estrange died in 1694, and George Kitchin surmised from the summary of the letter in the Historical Manuscripts Commission reports that she must have found solace in gambling because of her husband's career woes, but the letter itself yields something more profound. The letter, written in L'Estrange's hand, which was never very good, is barely legible, and he was obviously filled with emotion as he wrote; it deserves full quotation, and I reproduce my transcription here:

> Dear deare Sr
>
> I begin this Letter in a most anxious and miserable state of Consternation of what I am to expect before I come to ye end of it; for my dear wife is at this instant (betwixt 11 and 12 at noon) in her death Agonyes. This is a Calamity, of all that ever has befell me, Incomparably ye most Inconsolable and that in several respects still over and above what it is possible for you to Imagine, and perhaps in some [Consideration?] to my self. You may remember, I gave you the Trouble of a mistyerious account of some singular fatalities that I very much dreaded, without

[16] Nicholas L'Estrange, LEST / NE 2 / 1: "Some short notes for my son's Profit." It was probably written around 1706: see Cherry, "Sir Nicholas L'Estrange," p. 320.

> naming them and they are now fallen upon me. I blesse God for it, that my poore wife hath reconciled her self to God, so far as a Charitable Conjunction of all ye Signes and Assurances of a Hearty [Ransome?], may warrant a [sly?] judg upon so naturall an Evidence. She hath likewise wounded my very soule w/ ye Tenderness of her Love and Kindnesse, now in her Last extremity: I cannot tell you Sr how much it has wrought upon me: But in one word Play and Gaming Company have been the Ruine of her wretched self, her Husband, and her Family: and she dyes with a broken heart, upon ye Confusion of her own [Miserayes?] That History would be long, and Incredible: but after all I have sayd, never any husband lost a dearer wife. She made mention often of you and your Ladyes Generous, and Charitable Friendshipps to us both, in yr Goodness toward ye poore Girle, and charged mee w/ services and blessings in abundance, so long as she had her Tongue and Reason at Command; And I beseech you Sr be pleased to accept of yr [means?] for ye dead. I have no dark ends in what I wish; and nothing by ye Grace of God, shall be wanting on my part to ye Honour of my Family, or to ye best offices of a [Constant?] and Tender Father, a most Affectionate Husband, or of a Loyall and a Gratefull [person?] to my Country, and to my Friend.
>
> The Clock just at the instant strikes 12 at noon, and at ye same instant my deare breathed her last.
>
> I beseech God fit us all for our end; and blesse yr most obliging Self and Lady together with yr family, with all ye [?] in Both worlds.
>
> April: 7
> 1694: 12 at noon[17]

L'Estrange's letter is as filled with emotion as one would expect such an intimate and heart wrenching moment could be, and yet even at the very moment of his wife's death he recites, as the most spontaneous expression that could fall from his pen, the list of offices he believes one must perform as a family man in his position, and swears to fulfill them. It might have been inspired by guilt, perhaps, that he had not performed those offices as he should have, and provided better for his wife, but it is nonetheless striking even taking that into consideration.

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[17] Roger to Nicholas L'Estrange, April 7 1694, LEST P/20, 169. For Kitchin's views, see *Sir Roger L'Estrange*, pp. 370-71.

Reading L'Estrange's letters, one gets a glimpse of how the presuppositions of office could be used in a more intimate familiar setting, as a means of negotiating the sticky issues of family relationships, just as Roger utilized it in his attempt to manipulate the Secretaries of State for the monies owed him by the government in the 1670s. It is important to reiterate that he was not always sincere or transparent in making such appeals, as even his private letters seem to indicate. But this should not be taken to mean that he had no familial feeling for his nephew, or that somehow duty and feeling are incompatible. It is quite clear that, at least for Roger L'Estrange, those beliefs and relationships he cared most deeply about were precisely those with some clear connotation of duty, though it may mark him out as exceptional in terms of the intensity of his attitudes. How common was this was in other families is difficult to say. There are some parallels to his letter concerning his wife with the reaction of John Evelyn to the death of his daughter Mary, his "excellent Christian and dutiful child"; Evelyn wrote for several pages eulogizing her religious and intellectual qualities, her musical abilities, and the sweetness of her temper, mournfully regretting that "thy affection, duty, and love to me was that of a friend as well as of a child." There is also evidence that his contemporary, Roger North, thought in the same terms.[18] Surprisingly little work has been done about the attitudes of seventeenth century men and women concerning family life, and more research needs to be conducted to determine how common or uncommon L'Estrange's appeals to family "offices" were, though there is some indication in the

[18] Evelyn, *Diary*, IV, pp. 424, 429. North in his autobiography writes of obviating those "inclinations which tend to deprave mankind" in children by "impressing in their tender minds duty to parents, by the universal custome of asking blessing," and else where mentions seeking "to doe my duty in private," *Notes of Me: The Autobiography of Roger North* (Toronto, London: U. Toronto Press, 2000), pp. 84, 222.

existing literature that the boundaries between public and private spheres, especially for women, are less rigid than once thought.[19]

What his letters do prove is the way in which the presuppositions of office indicate a holistic view of his own identity. Nothing expresses better the boundary which did not exist between public and private in his world than these letters, as they closely parallel the way he wrote in his published works. Even the most "private" of experiences could be collapsed back into the presuppositions of office which were used to delineate private and public. But changes in this unspoken presupposition were taking place under the strain of the Revolution. As L'Estrange became a burdened family man he also became a "private" person who was held in suspicion precisely because of his inflexible fidelity to his beliefs, and because of the personal ties that bound him to his fellow "loyalists" who would not accommodate themselves to the new regime.

**II. L'Estrange Among the Nonjurors**

L'Estrange of course never forgot his allegiance to the Stuarts, and as a result paid the price. When the Convention Parliament issued an oath of allegiance to the new government in 1689, some nine bishops and 400 hundred members of the lower clergy of the Church of England refused to take the oaths, starting a schism within the Church of England which lasted into the eighteenth century, and these clergy along with many laity

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[19] Susan Whyman, *Sociability and Power in Late-Stuart England: the Cultural Worlds of the Verneys, 1660-1720* (Oxford, New York: Oxford UP, 1999). Much of the work that has been done has centered on the Verney family archive, as it contains some 12,000 documents. See also Miriam Slater, *Family Life in the Seventeenth Century: The Verneys of Claydon* (London; Boston: Routledge & Kegan Paul, 1984); Vivienne Larminie, *Wealth, Kinship, and Culture: The Seventeenth Century of Newdigates of Arbury and Their World* (Woodbridge, UK; Rochester, NY: Royal Historical Society, Boydell Press, 1995); Felicity Heal and Clive Holmes, *The Gentry in England and Wales, 1500-1700* (Stanford, CA: Stanford UP, 1994).

became known as Nonjurors, and Roger L'Estrange moved in Nonjuror and Jacobite circles for the rest of his life.[20]

Among the lay Nonjurors who refused to take the new oaths of allegiance to William and Mary was his family in Norfolk, lead by his nephew Sir Nicholas. In his manuscript of advice to his son, Sir Nicholas L'Estrange described his life briefly for the benefit of his eldest son Hamon; it gives a glimpse of a country gentleman, discussed below in more detail, interrupted by "that great Revolution in state wch not onely unhinged the Civil and fayr Correspondence, wch had as yet continued among the neighboring Gentry, but affected the various parts both of Country and Kingdom." Sir Nicholas commented how close his situation was to that of his grandfather, Sir Hamon L'Estrange, in 1642, and had James II not fled "I had in all probability been involved in the same difficultyes & sufferings in my Person, Family & Fortunes as he then fell under." He then lamented that the Duke of Norfolk, to whom he resigned his commission as Deputy Lieutenant Colonel in the militia, took his resignation personally, and warned his son "of the mistaken notion of Honor and Favour thought to be of having an Intimacy & acquaintance with great men the usuall Result being theyr Expectation of having you perfectly subservient to their designes…especially in Respect of publick Offices and Honors." He also suspected that the Duke was responsible for "diverse future warrants & summons" served to Sir Nicholas and others for having "ye same opinion for coming in & taking ye new Oathes of Allegiance. The avoiding of wch had

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[20] Henry Overton, *The Nonjurors: Their Lives, Principles, and Writings*, (New York: Thomas Wittaker, 1903), ch. I; Lucy Mary Hawkins, *Allegiance in Church and State: The Problem of the Nonjurors in the English Revolution* (London: Routledge, 1928), p. 47. On the Church of England more generally, see George Every, *High Church Party, 1688-1718*, (London: SPCK, 1956); Gerald M. Straka, *The Anglican Reaction to the Revolution of 1688* (Madison, WI: U. Wisconsin Press, 1962).

been the occasion of ye laying down of publick Employment," and expressed his dismay that some men involved in those "Persecutions who had before been of Constant Friends and opposers of such others as had ever been of the Faction were now drawn in to act with them in all these proceedings." The manuscript, which is only nine folio-sized pages in length, ends with this last account of the Revolution, even though Sir Nicholas wrote it nearly twenty years later. The fact that it stops with the Revolution is telling, as he went from being a public figure in Norfolk to a private one almost overnight, as did the L'Estrange family itself. Like his contemporary Roger North, Sir Nicholas and Sir Roger were forced to retire from public life, but unlike the North family, which eventually would resurface in the public life of the kingdom, the Norfolk L'Estrange's never again played a role in national public affairs.[21]

It is no surprise that L'Estrange's beliefs were in many ways identical to those of the Nonjurors, even if the churchmen among them were much more theologically inclined than he was. Generally speaking, the Nonjurors embraced divine right, indefeasible and hereditary monarchy, as well as the doctrine of passive obedience to the sovereign, but combined this notion with the idea of "the Two Societies," that the Church and State represent two distinct entities that had differing ends; crucially, for them it was the spiritual society, the Church, that was in the end superior to the temporal.[22] All of this is virtually identical to the religious beliefs of L'Estrange sketched in chapter three.

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[21] "Some short notes for my son's Profit," p. 9.

[22] Hawkins, *Allegiance*, chps. 4-5; Overton, *Nonjurors*, pp. 6-7; Mark Goldie, "The Nonjurors, Episcopacy, and the Origins of the Convocation Controversy," *Ideology and Conspiracy: Aspects of Jacobitism, 1689-1759* (Edinburgh: J. Donald, 1982), pp. 18-19. For an overview of Nonjuror theology, see Robert D. Cornwall, "The Theologies of the Nonjurors: An Historiographical Essay," *Cromhos Virtual Seminars*, http://www.cromohs.unifi.it/seminari/cornwall_nonjuror.html#_ednref28.

The Nonjurors also believed in the sacred inviolability of oaths, and this is something that they also shared in common with L'Estrange, even after the Revolution. Conal Condren and David Jones have argued that the controversy over the oaths of allegiance to William and Mary took place in the language of casuistry that had characterized similar debates in the seventeenth century.[23] The oaths themselves appeared to have been written to encompass as many shades of allegiance as possible, in stark contrast to the very precise definition the Nonjurors wanted to give to oaths: the oath of allegiance did not require allegiance to William and Mary as lawful sovereigns, nor were the oaths of the Restoration abjuring any right to resistance renewed. On the other hand, the new oath of supremacy insisted on greater specificity, namely the abjuration not only of the Pope's power of excommunication and deposition but also that "any foreign Prince, person, prince prelate, state or potentate, hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority ecclesiastical or spiritual within this realm."[24] This formulation, as Robert Beddard has noted, reversed the dictum of Augsburg: it was now the people, presumably in the guise of Parliament, who determined the king's religion, and "the Reformation in England, brought in by a king, had undone primogeniture."[25] The irony in this is that, almost to a man, the Nonjurors were just as anti-Catholic as their counterparts, and believed just as firmly that James II had been a tyrant precisely because he attempted to re-introduce Catholicism, to change the religion

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[23] Hawkins, *Allegiance*, pp. 107-111; Condren, *Argument and Authority*, chp. 15; Jones, *Conscience and Allegiance*, pp. 216-222.
[24] Jones, *Conscience and Allegiance*, pp. 280-1.
[25] Robert Beddard, *Kingdom Without a King: The Journal of the Provisional Government in the Revolution of 1688* (Oxford: Phaidon, 1988), p. 65, quote in Condren, *Argument and Authority*, p. 332.

of the people to his own.[26] In any case, the new government did not abandon the language of office or public conscience in 1688, or espouse their powers as based on a social contract; such innovations still lay in the future.[27] What it did do was alter the balance of power: Nonjurors were now "private persons," deprived of their livings as ecclesiastics, and prominent laymen, such as the Earl of Clarendon and Roger L'Estrange, shut out of service to the crown which they revered so much.

There is clear evidence for L'Estrange's personal connections to prominent ecclesiastic Nonjurors; he was already acquainted with Thomas Ken, the Nonjuror Bishop of Bath and Wells, from his brief stint in the Hague in 1680-1, and Francis Turner, the Nonjuror bishop of Ely, was godfather to his daughter Margery.[28] His relations to lay Nonjurors are not as clear; the main group of Nonjurors was centered in Berkshire, in the household of Francis Cherry, while L'Estrange resided in his house at Holborn during the remainder of his life.[29] As for his movements after the Revolution itself, they are somewhat sketchy. It is not clear what L'Estrange was doing or where he was when William of Orange landed in England on November 5, 1688, but those made the Revolution had not forgotten him; he appeared in a list of names in 1688, written in the hand of the Prince of Orange, marking out certain key figures of James II's government for arrest, affirming his notoriety, and it appears that he was arrested along with two Jesuit priests in December of 1688, purportedly for "writing and dispersing

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[26] Overton, *Nonjurors*, p. 12; Condren, *Argument and Authority*, p. 334.
[27] Condren, *Argument and Authority*, pp. 337-342, 344-49; Jones, *Conscience And Allegiance*, pp. 225-27, 228-236.
[28] See his *Letter to Thomas Ken*; Kitchin, *Sir Roger L'Estrange*, p. 373. A declaration of his adherence to the Church of England was found among Turner's papers, Add MSS 4222, 14.
[29] Overton, *Nonjurors*, chapter 5, p. 229; Kitchin, p. 370.

treasonable papers against the government."[30] He must soon have been released, for he published one last paper prior to the elections for Parliament in February 1690, a list of eighteen questions for the electors of new members, who ultimately returned a Tory majority.[31]

L'Estrange was a Nonjuror, but was he also a Jacobite. Though the evidence that he actually participated in any plots is sparse it suggests he was more than passively opposed to William. He was arrested again in 1691 in Ireland, perhaps in connection with the assassination plot associated with John Ashton and Richard Graham, Viscount Preston, who were captured with information designed to prove the legitimacy of the Prince of Wales in January 1691. Ashton was executed on January 28 but a paper of his describing his loyalty to James (even though Ashton was Protestant) and his belief in the younger James' legitimacy was published in mid March, and helped to ignite a pamphlet war between Jacobites and the government.[32] L'Estrange's arrest in March of 1691 was recorded thus: "in another place was found S$^{r}$ Roger L'Estrange and two Irish Papists, with Mr. Ashton's paper throwne under the table and in his pocket severall memorandums that wee doe not yet know what to make of."[33] Apparently he was not thought a great threat to the government, and released. He was arrested one last time in March of 1696 when another and more serious plot against William III, the Fenwick Plot,

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[30] *CPSD*, 1688, p. 390; Kenyon MSS Reports, Commissioners, 34, p. 211, December 18 1688, quoted in Kitchin, *Sir Roger L'Estrange*, p. 368.
[31] *Some Queries Concerning the Election of Members for the Ensuing Parliament* (London: 1690) Wing L1308A; Eveline Cruikshanks, *The Glorious Revolution*, p. 61.
[32] Paul Hopkins, 'Ashton, John (*c.*1653–1691)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, Jan 2008 [http://www.oxforddnb.com.www2.lib.ku.edu:2048/view/article/774, accessed 18 Aug 2010]
[33] Viscount Sydney to the Earl of Nottingham, Mar. 3, 1691, SP Ireland 353, 49.

was discovered, and he was sent to Newgate.[34] In a letter to his nephew Sir Nicholas L'Estrange written in March of that year, he claimed his only "Crime is Suspicion," and that he was never examined. His tone is that of someone expecting to die soon, as he wrote to his nephew that "I shall carry a most Affectionate sense of your Goodness into the Other World."[35] It is not clear when he was released but his friend and executor of his estate Richard Sare informs us in June that "Sr Roger is much better than I Expected to have seen him after so long…a Confinement" but was evidently jailed again in November 1696 for not taking the new oaths of allegiance.[36]

His last foray against the post Revolution government was attempted with his pen, as he contributed a book of Tacitus to a 1698 translation apparently aimed at William III's government. The project's main star was John Dryden, but there were other translators involved with the project who were known Jacobites as well.[37] The next section will examine this translation, but it is enough to say here that it represented the end of his efforts against the post Revolutionary settlement, such as they were. One gets the impression that, like many of the Nonjurors, loyalty for L'Estrange was primarily of a personal nature; at the end of his life in 1704 he was still seeking employment from

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[34] Cruickshanks, *Glorious Revolution*, pp. 80-1; Paul Hopkins, "Sham Plots and Real Plots in the 1690s," *Ideology and Conspiracy*, pp. 98-99.
[35] Roger to Nicholas L'Estrange, 19 Mar. 1696, LEST P/20, 176.
[36] Letter of Edmund Warcup to Arthur Charlett, November 28 1696, Ballard MS. XI, 79, "Poore Sr. R. L'Estrange tells me he is (among others) imprisoned for not taking the Oathes to the Government which subjects him to all the penalties of a convicted papist." Richard Sare, 4 June 1696, LEST /P20 177; Historical Manuscript Commission Reports, Appendix to the 11th Report, 111, quoted in Kitchin, *Sir Roger L'Estrange*, p. 371.
[37] Steven Zwicker and David Bywaters, "Politics and Translation: The English Tacitus of 1698," *Huntingdon Library Quaterly*, Vol. 52, No. 3, (Summer 1989), pp. 322-326.

Anne's government at the tender age of 87.[38] It was likely his age and his poverty, combined with the needs of his family, which explain why he never took part in the pamphlet controversy which raged between Nonjurors and Jurors in the press during the 1690s.[39] It was very likely he would not have had much to add, and there were far younger men just as capable of carrying on his work. One writer in particular, the former chaplain to the 2nd Earl of Clarendon, Charles Leslie, carried forward into Anne's reign L'Estrange's long standing identification of religious heterodoxy and dissent as producing rebellion in his serial *The Rehearsal*, which in its format appears to have been inspired by *The Observator*, though he also seems to have been a more strict Filmerian than L'Estrange had been.[40] Like L'Estrange before the civil wars, Leslie had never published anything before the Revolution, but it had the opposite effect on the elder man, as he was now thrown back on the private duty of translating, not only to support his family, but also to ensure that his beliefs would be passed on as well.

**III. Politics, Morals, and the Office of Translator**

Translation was a natural vehicle in some ways for the Nonjurors and Jacobites who opposed the regime to register their protests against the Revolution government, as it

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[38] *HMC* Appendix VII to the 11th Report (London: H.M.S.O, 1888), Letter of Richard Sare to Nicholas L'Estrange, March 10, 1705, p. 114. On the personal nature of authority in Nonjuror thinking, see Hawkins, *Allegiance*, pp. 85-88.

[39] Goldie, "Nonjurors and Episcopacy," pp. 15-17; Condren, passim.

[40] Robert Cornwall, "Charles Leslie and the Implications of Political Theology," *Religious Identities in Britain, 1660-1832*, eds. William Gibson and Robert G. Ingram (Aldershot, England; Burlington, VT: Ashgate, 2005), pp. 27-42. *The Rehearsal* was published in the same double column, folio format as *The Observator*, while the bound volumes of his paper contain indexes like *The Observator*. Leslie also justified publishing his serial with the same appeal to public necessity as L'Estrange did but with a much heavier theological emphasis. See the preface to his first volume of the *Rehearsal*s, *A View of the Times, Their Principles and Practices in the First Volume of the Rehearsals* (London: 1709) ESTC T207715.

allowed them to publish covert criticisms of the new regime. L'Estrange only published a few new translations after 1688, though many of his earlier translations remained popular throughout the remainder of his lifetime. Most famously, he published an edition of Aesop's fables in 1692 which is still in print as the Everyman Library's edition of Aesop; a translation of Terence's comedies in 1694 in tandem with Laurence Echard; his chapter of Tacitus in 1698; a second edition of fables (the first had been mixed with other fables as well) in 1699; and finally his massive translation of Josephus' collected works in 1702. What one should consider here is the connection of these later translations with L'Estrange's deployment of the language of office, in two ways; first, that he conceived of translation as an office, and second that L'Estrange's prefaces to his translations tell us something about how he used his translations a subtle critique of the post Revolutionary government.

L'Estrange occupies a curious place as one of the more popular translators of his time, along with Dryden, and whose works remained in print well into the eighteenth and nineteenth centuries, translation work being forced on him as it was on his more famous colleague after the Revolution. Translation was very much a commercially driven enterprise by the late seventeenth century, and it could be lucrative for the Drydens of the world: Dryden was paid £1500 for his *Works of Virgil* in 1697, and in the early eighteenth century Alexander Pope would receive £5000 apiece for his *Iliad* (1715-20) and *Odyssey* (1725-26).[41] On the low end of the scale, John Oldmixon was paid less than £50 for his 8000 line translation of Ovid in 1717, and such discrepancy was common to

[41] David Hopkins and Pat Rogers, "The Translator's Trade," *The Oxford History of Literary Translation in English*, Vol. 3, eds. Stuart Gillespie and David Hopkins (Oxford: Oxford UP, 2005), p. 83.

prose and dramatic translation as well.[42] L'Estrange fell somewhere in the middle of these two extremes; he was paid £300 and given fifty copies plus a sixth of the profits from the sale of his translation of *The Works of Josephus* in 1702.[43] The boundaries between hack translators and auteurs like Pope were fluid in many ways, as men from Oxford and Cambridge often collaborated with Grub Street writers, something not unusual in a trade that, like the print trade in the same period, was still operated out of the home, and indeed sometimes in the homes of booksellers, as presumably L'Estrange wrote from his house Holborn.[44]

One gets a rare glimpse into L'Estrange's working conditions during these last years of his life in some letters he wrote in 1700, as his translation of Josephus was going to press. He wrote his nephew Nicholas in Hunstanton that "People have been mightily concerned a long time considering my visible circumstances, to know how I live," with some suggesting "my Condition, to be Easier than it is." Roger acknowledged the "many charitable offices I have received" from Nicholas, but averred that, while he had received gifts from "from diverse Persons not so much as known to mee by their names as a Reward for my good will to the Publique…my Pen has been my Chiefe Support."[45] There are also a handful of letters from Roger to John Caryll, a Catholic Jacobite and son of another Jacobite who was secretary to the exiled James, and who had been arrested in

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[42] Hopkins and Rogers, "Translator's Trade," pp. 83-84.
[43] Roger to Nicholas L'Estrange, October, 5 1700, LEST/ P 20, 198. This also probably included other incidental expenses as well, which were evidently paid by his primary bookseller, Richard Sare, who claimed he had spent 160 shillings "upon Sir R. during so many years—so much for messages & portage during so many years" of his translating Josephus according to one source. Letter of Humfrey Wanley to Arthur Charlett, December 25 1700, Ballard MS. XIII, 54.
[44] Hopkins and Rogers, "Translator's Trade," pp. 81-82.
[45] Roger to Nicholas L'Estrange, October, 5 1700, LEST/ P 20, 198.

1696 along with L'Estrange for the Fenwick Plot but had been released; in one of these Roger lamented that "I have neither Eyes nor Fingers for many words."[46] At the same time he was preparing his *Josephus* for the press, L'Estrange was preparing a copy for publication of the memoirs of Charles St. Evremond, an exiled French nobleman and notorious libertine. L'Estrange thought the work "not worthy of Mr. Caryll's pen" and was apprehensive that "my necessary variations must inevitably" mar the "Beauty of the Book," but nonetheless promised to perform the "discharge of this Duty." [47] Characteristically, he delineated his duties rather exactly, underlining the exact instructions given to him by Caryll "to see that y$^{e}$ expressions be proper, & the Construction truly English" and "only to joyn in a subservient assistance, where the Care requires it. As for instance the beauty of y$^{e}$ manuscript will not atone for errors in y$^{e}$ matter of orthography," since the "pointing and distinguishing of characters is properly his [the corrector's] office."[48] L'Estrange continued to express his qualms about the matter of the text to him, but Caryll nevertheless rewarded the old knight with "the Present of a Curious Boxe (?), in the acknowledgment of my good will to serve you in the perusall of y$^{r}$ Papers," moving L'Estrange to claim that he valued "my self upon the credit

[46] L'Estrange to John Caryll, September 3 1700, BL Add MSS 28237, f. 2; Howard Erskine-Hill, 'Caryll, John, Jacobite second Baron Caryll of Durford (1667–1736)', *Oxford Dictionary of National Biography*, online edn, Oxford University Press, Sept 2004 [http://www.oxforddnb.com.www2.lib.ku.edu:2048/view/article/4848, accessed 31 Aug 2010]. Caryll would go on to become a confidant of Alexander Pope but in the late 1690s inherited his uncle's literary friends, including the ailing L'Estrange.
[47] L'Estrange to Caryll, September 15 1700, BL Add MSS 28237, f. 8; L'Estrange to Caryll, September 3 1700, BL Add MSS 28237, f. 2; L'Estrange to Caryll, August 29 1700, f. 1.
[48] L'Estrange to Caryll, August 29 1700, f. 1; L'Estrange to Caryll, September 12 1700, BL Add MSS 28237, f. 4.

of so many kind words & offices from a person of Honour and Truth."[49] The language of reciprocal obligation is nowhere better expressed than in the old L'Estrange's advice and imploration of the younger man, whose help he so obviously needed and was so gratified to have.

L'Estrange fretting over the "Beauty of the Book" may appear odd, but it should not; previous chapters have shown what care he took in the printing of all of his ephemeral pamphlets, right down to their typography, and his translations were no exception. He also gave some thought to the duty of a translator, and one sees in the preface to *Aesop* his crowning achievement as a translator. The theory of translation in the seventeenth century was somewhat ad hoc, as it consisted mostly in occasional reflections in prefaces, but its outlines are clear enough. From the earlier seventeenth century, when what Dryden called "metaphrase," translating word for word or phrase for phrase from the original, the ideal of "paraphrase" or adapting the original to the translator's language with wider latitude, became prominent, in no small part to the influence of Dryden himself.[50] L'Estrange's remarks on the translator's craft are mostly contained in two short addenda to his translations: his "Afterthought," a twelve page reflection he tacked onto the fourth edition of *Seneca's Morals* in late 1688 or early 1689, published just as the Revolution was ending his career, and the preface to his *Aesop* of 1692.

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[49] L'Estrange to Caryll, November 28, 1700. BL Add MSS 28237, f. 15. L'Estrange criticized the work as being a mere "satyr upon women," and warned that it "may do more hurt than good," L'Estrange to Caryll, September 28 1700, f.7, L'Estrange to Caryll, September 15 1700, f. 8.

[50] David Hopkins, "Dryden and His Contemporaries," *The Oxford History of Literary Translation*, Vol. 3, pp. 55-56; Kitchin, *Sir Roger L'Estrange*, pp. 379-80.

In the "Afterthought" he defended his method of abstracting from Seneca's works, saying it eliminated repetitious phrases and digressions into natural philosophy; his translation was "a "*Speculation* upon them [Seneca's morals] in *Paraphrase* in few words," and defends his paraphrasing as a service to the memory of the dead, to Seneca as well as to mankind.[51] More interestingly, he raises the objection that his text will then merely be an "Arbitrary Descant upon the *Original*," which are no more Seneca's words than would be his commentary on the Bible would be Holy writ; in reply, he admits that such abuse in a translator is possible but writes that "so may anything else that was ever committed to writing; nay the *best*, and the most *necessary* of *Duties*, *Faculties*, and *Things*, may *Degenerate* by the *Abuse* of them…in all the *Cases* and *Offices* that any Man can imagine under the Sun"; this fear of abuse should not prevent the translator from doing a "*necessary right*" and a "*Common Service* to *Mankind*."[52] What is noticeable about this is, beside the fact that translation is presented as a kind of office, is that he defends his "paraphrase" of Seneca in precisely the same terms he defended his conception of absolute monarchy: all forms of government, if they are legitimate, are absolute and arbitrary, dependent upon someone's will, and therefore can be abused, but this does not obviate the need for some form of government.[53]

The parallel here, of course, was not an accident: L'Estrange began his "Afterthought" with the rueful observation that "the World has not been altogether so kind as of late, to my Politicks as to my *Morals*," and though he later wrote that he does

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[51] *Seneca's Morals Abstracted, The Fourth Edition ; to Which is Added a Discourse, Under the Title of An After-Thought* (London: Richard Bentley, Jacob Tonson, and John Hindmarsh, 1688) Wing S2517A, "Afterthought,"pp. 3-4, 7-8.
[52] "Afterthought," p. 6.
[53] See, for example, *Sir Politique Uncas'd*, pp. 104-5; *Toleration Discuss'd…Second Edition*, pp. 348-49.

not "play the *Plageary*, and assume the Subject Matter of this work to *My Self*," he is rather obviously identifying himself with Seneca, voicing the hope that "*Writings* and *Opinions* have their *Seasons* too, and take their *Turns*, as well as all other changeable things under the Sun…that however much *Truth* and *Justice* may suffer a *Temporary Eclipse*, they will yet certainly…recover their *Original Glory*, as the *Setting Sun* shall *Rise* again."[54] He is clearly thinking of his political fortunes, but this little piece of writing illustrates how his political, religious and beliefs are all of a piece, parts of the same psychology that flow naturally from his Christian, neo-Stoic beliefs. Seneca was for him a "*Test* of the *Truth*, and Reason of Things…which has along with it the *assent* of *Universal Nature*," and if one could adequately translate Seneca (which L'Estrange says cannot be done, hence his paraphrase), then one would have "*a perfect and a Lively Image of HUMANE NATURE*" to guide one's way in life.[55] When one recalls how often he proclaimed that the doctrine of resistance to monarchs and the behavior of Dissenting preachers and their acolytes broke the bonds of "humane society," one can understand how much of his opposition stemmed from his view of human nature, inflected as it was with Stoic ideals.

One can detect this neo-Stoic *weltanschauung* in his translation of *Aesop* as well. Scholars for many years have identified some of the more overtly Filmerian or Royalist aspects of his translation, but as Line Cottegnies has observed, his translation of Aesop's (and other's) fables are less concerned with specific ideology than with his stoic philosophy; in Aesop and in the fable as a genre he found the best example of "*This Art*

[54] "Afterthought," p. 1-2.
[55] "Afterthought," pp. 5, 13.

*of Schooling Mankind into Better Manners*."[56] In fact, L'Estrange not only made the first affordable English translation of Aesop, he also made several innovations in his use of the fable. Along with each fable, L'Estrange printed a "Moral" of the fable and a "Reflection" upon the fable, a structure drawn from the Emblem tradition, in which a figure is provided with a motto and an explanation, something original to L'Estrange, and which reflected his belief in the power of images to shape one's character.[57] In the translation's preface, L'Estrange refers to children's minds as "Blanck Paper, *ready indifferently for any Impression (for they take all upon Credit)*," and says that "Naked Lessons and Precepts, have Nothing the Force that Images and Parables have, upon our Minds and Affections," and further there is "*Nothing that makes a Deeper Impression upon the Mind of Men*" than lessons conveyed "*under the Cover of some* Allegory *or* Fable."[58] Some commentators have identified this notion with Locke's idea that the human mind is a tabula rasa, as L'Estrange contested that the same method worked with all mankind, since "*Boy* and *Men*" alike were "*Indifferently of the same Make*."[59] Though

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[56] Line Cottegnies, "'This Art of Schooling Mankind': The Uses of Fable in Roger L'Estrange's *Aesop's Fables* (1692)," *Roger L'Estrange and the Making of Restoration Culture*, pp. 132, 139, 145; *The Fables of Aesop and Other Eminent Mythologists* (London: Richard Sare, Benjamin Took, Matthew Gilleyflower, A. & J. Churchill, John Hindmarsh, and G. Sawbridge, 1694) Wing A707, "Preface," A3.

[57] Cottegnies, "Uses of Fable," p. 139. On the emblem tradition, see Roelef van Straten, *An Introduction to Iconography*, trans. Patricia de Man (Yverdon, Swizterland; Langhorne, PA: Gordon and Breach Science Publishers, 1994), pp. 57-71.

[58] "Preface," A2-A3; Cottegnies, "Uses of Fable," p. 138.

[59] "Preface," A3; Cottegnies, "Uses of Fable," p. 137; Kitchin, *Sir Roger L'Estrange*, p. 392. Such a resemblance is probably the result of the classical influences on both men's philosophy, Stoicism on L'Estrange, and Epicureanism on Locke, as both philosophies saw the mind as a material substance receiving impressions from external stimuli. See Jonathan Barnes, "Hellenistic Philosophy and Science," *Oxford History of the Classical World* (Oxford: Oxford UP, 1986), pp. 379-81; David Konstan, "Epicurus," *Stanford Encyclopedia of Philosophy*, http://plato.stanford.edu/entries/epicurus/#4. For the

L'Estrange explicitly stated that his intention was to write this book for children, most commentators have see his reflections as being ill-suited to children, given the sometimes crude and bawdy nature of his reflections, not to mention their almost Hobbesian view of human nature.[60] This may be a trait peculiar to L'Estrange's upbringing, when one remembers that his family was fond of recording jokes, some of them quite bawdy, even one made by his own mother.[61] In any case, he evidently had a different view of childhood and family than modern contemporaries do, though whether or not this marks his views out as "pre-modern" or not is debatable.[62] What is clear is that he believed the "Art of Schooling Mankind" was needed at all ages, for men are always susceptible to those influences which make them shirk their duties, which is "*the Natural Bias of Human Frailty*."[63]

But it was not only the content of his translations that expressed a sense of moral obligation; the very practice of translation demanded such obligations. In the preface to his second volume of Aesop, entitled *Fables and Storyes Moralized*, he proclaims that he has "made a *Scruple* of keeping close to my Text, without Lashing out into any *Extravagant Excesses*, of what sort soever, either *Personal*, or *Publick*," and informs his

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Epicurean influence on Locke (largely through Gassendi) see Catherine Wilson, *Epicureanism at the Origins of Modernity* (Oxford: Oxford UP, 2008), pp. 207-216.

[60] Cottegnies, "Uses of Fable," p. 141.

[61] See chapter 1, p. 39.

[62] According to Anja Müller, the idea that humanity develops in stages is not really all that modern. See *Fashioning Childhood in the Eighteenth Century: Age and Identity*, ed. Anja Müller (Aldershot, UK; Burlington, VT: Ashgate, 2006), chps. 4-5, 9; Anja Müller, *Framing Childhood in Eighteenth Century English Periodicals and Prints* (Farhnam, UK; Burlington, VT: Ashgate, 2009). For the opposite view, that a radical departure in the view of childhood was made by the Puritans whom L'Estrange so despised, see C. John Sommerville, *The Discovery of Childhood in Puritan England* (Athens, GA: U. Georgia Press, 1992).

[63] "Preface," A3.

readers that he has "Consulted the *Virtue*, and the *Conscience* of the *Office* I have here taken upon me, as I ought to do," claiming to have carefully omitted anything that would poison the growth of children in a virtuous life, but refers the reader to his earlier preface for his motivations in translating his book of fables.[64] He emphasizes again, as he did in the first book of Aesop, the "*Little Art* and *Mimical Fooleries*" necessary to people, whether "*Noble* or *Ignoble*; *Men*, *Women*, *Children*" or not, for "*Princes Themselves are made of the same Clay with Other Men*, *and Subjected*, *by Providence to the Ordinary Rules and Measures of* Mankind."[65] The emphasis on hints, glances, and other sub-textual gestures which he says are necessary in the preface to both books of fables to ensnare people into doing their duty parallel exactly his many assertions in *The Observator* that Dissenting preachers lulled their congregation with groans and gestures to make them think they were filled with the Holy Spirit. He once referred to Dissenting conventicles as the "*Embleme* of the *Common People*, that only *Speak*, as they are *Playd* upon," and that those who frequented them "come thither *Blanck-Paper*, and let the *Teacher Stamp* what he will upon them, they take the *Impression*"; that preachers seduced people "by *Groans, Pangs, Tragical Ululations, Silent Interjections, Whining Apostrophes, Melting Epiphonemas*; and in a word; by the Helps of *Natural Rhetorick*, without *Need*, of either *Sense,* or *Syllable*."[66] Nothing illustrates better the way his mind worked, in that text and verbalization are treated as interchangeable, but also his belief in the universality of human nature which made fables such a good medium of instruction

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[64] *Fables and Storyes Moralized* (London: Richard Sare, 1699) Wing L1247, "Preface," A4-A5.
[65] *Fables*, *and Storyes*, "Preface," A4.
[66] *Observator*, III.85, 88.

for those who would not do their duty—Whigs and "Phanatick" preachers being the emblem of such nefarious personae.

His other translations in this period, his chapter of *Tacitus* and his collaborative work with Laurence Echard on the plays of Terence, do not really tell us anything about his thoughts on translation. The preface to the *Terence* contains little reflection and none of it by L'Estrange apparently, and the *Tacitus* is without a preface at all, something which might be accounted for by its more overtly political purpose. Certainly, L'Estrange would have identified with the material he translated for Gillyflower: the third book of Tacitus' *Histories* depicts the end of the brief reign of the Emperor Vitellius, and the coming to power of the Emperor Vespasian through his legions; perhaps he relished translating Tacitus' depiction of Vitellius' last words as he was slain by enemy soldiers: "*You shall do well to remember,* says *Vitellius*, *that I was once your prince*."[67] His last and most monumental work, his *Josephus*, would perhaps have appealed to him in terms of his own life as political exile from public life, and one commentator has noted that his rather inaccurate translation contains traces of his own persona in the text;[68] the use of Josephus's works for political and religious purposes has a long history, and it would not be surprising if L'Estrange saw some affinity between himself and the ancient Jewish author in their respective political situations.[69] The

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[67] *The Annals and Histories of C. Cornelius Tacitus, the Third Volume* (London: W. Olney for Matthew Gilleyflower, 1698) Wing T103, p.277.

[68] Tom Winnifrith, "Greek Historians," *Oxford History of Literary Translation*, pp. 274-75.

[69] Eva Matthews Stanford, "Propaganda and Censorship in the Transmission of Josepus," *Transactions and Proceedings of the American Philological Association*, Vol. 66 (1935), pp. 127-145. Howard Erskine-Hill has remarked that certain historical references, including those to Josephus, were among the historical parallels drawn by Jacobites with the Revolutionary regime. Howard Erskine-Hill, "Literature and the Jacobite Cause,"

preface to his last published work is short, in contrast to its contents, and in it he lamented the "*Difficulties that* Frequent *Troubles and* Ill *Health Have thrown in My Way*," but as for the "*Menage of My Commission…all Men will at last Judge for Themselves*," and expressed his gratitude to the particular people who helped him prepare his translation, as well to "*my Other Worthy Friends in General, for the good Offices they have done Me toward the Gaining of my Point.*"[70] Whatever else on can say about his practice as a translator, that he viewed his translating work as an office can scarcely be denied.

Was this case with his contemporaries? There are some indications that other translators viewed it as such, though most of them were of the same or similar political and religious persuasions as L'Estrange. Dryden in his dedication to *Satires of Persius* talks much about the ends of poetry in very traditional terms, maintaining that it needs to instruct as well as edify, saying that "the Poet is bound…*ex Officio* to give his Reader some on Precept of Moral Virtue," and claims that in several places that the translator must have the same spirit or "genius" as the author that he is translating: "'tis only for a Poet to Translate a Poet," a prominent idea in his later work.[71] Later in his dedication to his translation of the *The Aeneid*, Dryden is more explicit, saying that translators are bound to their authors like "Slaves…on another Man's Plantation," and if a translator's "Care succeeds, we are not thank'd: for the proud Reader will only say, the poor drudge

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*Modern Language Studies*, Vol. 9, No. 3, Eighteenth Century Literature (Autumn, 1979), pp.17-18.

[70] *The Works of Flavius Josephus* (London: Richard Sare, 1702) ESTC T110233, "Preface."

[71] *The Satires of Decimus Junius Juvenalis Translated into English Verse…Together with the Satires of Aulus Persius Flaccus* (London: Jacob Tonson, 1693) Wing J1288, "The Dedication," xlvii, xli; Hopkins, "Dryden and Contemporaries," pp. 64-65.

has done his duty." This office is, for Dryden, distinct from the poet, for "He Who Invents is Master of his Thoughts and Words" who can order them as he pleases, but the "wretched Translator has no such priviledge."[72] One of Dryden's friends, Sir Henry Sheeres, published a translation of Polybius, apparently at Dryden's urging in 1693, in which he declared his apprehension that "*while I study to conceive aright, and explain my Sence of the Duty of a Translator, I am at the same moment deeply conscious of my own weak Performance*."[73]

It may be that Dryden, L'Estrange and their fellow travelers were influenced as much by their political fortunes as anything to see translation as an office, but given the propensity for other types of creative endeavor to be described this way, it may be that their political situation forced such notions to the surface in their descriptions of translating. More research would need to be done in order to prove the point fully.[74] But it seems like that his reiterating of the duties of mankind had a political edge. There was an outpouring of politicized fables being produced which were critical of the new government well into the eighteenth century which criticized the influence of Dissenters, some of which were apparently published in imitation of L'Estrange's own translation of *Aesop*.[75] Many scholars have seen in Dryden's translations, especially his *Fables*, a subtle critique of post Revolutionary England and its "stupid Military state," which had

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[72] *The Works of Virgil* (London: Jacob Tonson, 1697) Wing V616, "Dedication to the Earl of Mulgrave," F2.
[73] Henry Sheeres, *The History of Polybius* (London: W. Onley, for Samuel Briscoe and R. Wellington, 1698) Wing P2787, "Preface," v-vi.
[74] See Condren, *Argument and Authority*, chapter 5.
[75] Tomoko Hanazaki, "A New Parliament of Birds: Aesop, Fiction, and Jacobite Rhetoric," *Eighteenth Century Studies*, Vol. 27, No. 2, (Winter, 1993-94), pp. 236, 240-41.

undermined civilization and proper order with its violent usurpation of the crown.[76] Others have seen an attempt by Dryden in his translations to associate himself with distant literary figures, such as Chaucer, in order cultivate an ostensibly apolitical literary persona with which he could criticize William III more effectively, much in the way that L'Estrange had tried to do with his translation of Erasmus back during the Exclusion Crisis.[77] L'Estrange grew old after the Revolution, but he did not suddenly become apolitical; rather, his politics and his "Morals" were of a piece, inseparably joined, and for him to assert one was to assert the other. For him to invoke the moral precepts of Seneca, the Stoic sage who was forced to commit suicide by the tyrant Nero, or to translate the historical of Josephus, the member of the Chosen Race who had been driven into exile by the force of an invading army, seem like clear enough comments about the effects of the Revolution, both political and moral, on English society.

Finally, what his comments on translation remind us is that the line between form and content, medium and message, was not a very meaningful one for L'Estrange; all is office, because the ultimate goal of any particular office is impart the wisdom that all human endeavor is reciprocal and obligatory—officious, in the older sense of the term, and this "liquid empire of office" encompassed all of humanity. Though his political associations are inseparable from it, it is in light of this larger purpose of "schooling"

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[76] David Gelineau, "Dryden's "Cymon and Iphigenia": the "Vigour of the Worse" Prevailing," *Studies in Philology*, Vol. 102, No. 2, (Spring 2005), pp. 211, 225; Paul Davis, "'But Slaves We Are': Dryden and Virgil, Translation and the 'Gyant Race,'" *Translation and Literature*, Vol. 10, No. 1, John Dryden, Classicist and Translator (2001), p.116.

[77] Sean Walsh, ""Our Lineal Descents and Clans": Dryden's "Fables Ancient and Modern" and Cultural Politics in the 1690's," *Huntington Library Quarterly*, Vol. 63, No. ½, John Dryden: A Tercentenary Miscellany (2000), p.181; Paul Davis, "'But Slaves We Are," p.111.

posterity as to their proper offices that L'Estrange's translations should be seen. Just as the line between printed and spoken word, between the typographical constraints of print and the orality his works often invoked, between private and public, were so many merely humanly constructed boundaries, across which cut the universal "text" of human nature ("Blanck Paper"), even across the boundary between the living and the dead.

**IV. "The Lighting of one Candle at another": Print, Persona, and Posterity**

Since they were inseparable, it is also true that L'Estrange used print to perpetuate his own persona along with his beliefs, using the prefaces as a vehicle for how people should read them, and by extension his whole life itself. Like many of his contemporaries, he was obsessed with what posterity would make of him and his career. He lamented in the preface "To Posterity" in his final volume of *The Observator* that his serial alone would stand out against "So many Forsworn Narratives; So many *Thousand* of Treasonous, and Slanderous Libels" which would be sure to delude "posterity" with "so many *Pestilent Votes, Narratives, News'es,* and *Pamphlets*, with the *Solemnity* too, of *Parliament Testimonialls* and *Imprimaturs*."[78] He specifically lamented the sort of shorthand he was forced to use when writing in an ephemeral genre like his *Observator*, in which he had to use abridgements that he feared would be misread by future readers, who would need an "*Observator*-clavis or dictionary to uncypher his meaning," for all the "hints and…by-strokes will be looked upon as…Greek." He also imagined that his serial would be in the Bodleian library a hundred and fifty years later as a basis for the history of the times.[79] The same fear animated Richard Baxter, who feared

[78] "To Posterity," p. 2.
[79] *Observator* I.259; I.470.

that his writings would be lost in the "Torrent of Late Matter" of the times: "that Posterity may not be deluded by Credulity, I shall truly tell them, that Lying in Print, against the most Notorious evidence of Truth…is become so Ordinary a Trade…with Men of Experience, ere long to pass for a Good conclusion." More than this, Baxter was also concerned that history would be written from papers like his *Observator*: "Many of the Malignant Clergy and Laity, especially *Le Strange* the Observator, and such others, do with so great Confidence publish the most Notorious Falsehood…it hath greatly depressed my Esteem of most History, and Human Nature."[80] Likewise, Dryden reflected that "More Libels have been written against me, than almost any Man now living," voicing his appeal that "Posterity, perhaps, may be more favourable to me…I speak of my Morals, which have sufficiently been aspers'd."[81] There is also some parallel with L'Estrange in the way that some women Jacobites used their writing to record their trials and tribulations as members of a defeated movement, such as Jane Barker and Mary Caesar, women being preeminently "private" persons in that era.[82] The

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[80] *Reliquae Baxterianae*, III, p. 187. The same sentiment was voiced by Miles Prance back in 1684: "*That all persons of this Age*, *and such shall write Histories in the next (which I find our* Observator *much values his Numerous Sheets upon, as the just Standard for them to take measures from) may have the Cognizance as well of the Defence as of the Charge*," *A Postcript to the Observator*, "To the Loyal Protestant Reader," A2.

[81] *Satires*, "Dedication," xxxv. Dryden says he appeals to posterity because "Interest and Passion, will lye bury'd in Another age: And Partiality and Prejudice be forgotten," something echoed by L'Estrange in his "To Posterity," p. 1. See

[82] Toni Bowers, "Jacobite Difference and the Poetry of Jane Barker," *ELH*, Vol. 64, No.4, Jacobitism and Eighteenth Century Literature (Winter, 1997), pp. 857-869; Leigh A. Eicke, "The Jacobite Writings of Jane Barker," *Women's Writing and the Circulation of Ideas*, eds. George Justice and Nathan Tinker, (Cambridge: Cambridge UP, 2002) pp. 137-57; Valerie Rumbold, "The Jacobite Vision of Mary Caesar," *Women, Writing, History, 1640-1740*, eds. Isabel Grundy and Susan Wiseman, (Athens, GA: U. Georgia Press, 1992) pp. 178-198. Leigh Eicke points out how Jane Barker attempted to capture the traits of manuscript production in her printed works, somewhat similar to the way in which L'Estrange's printed works mimic the mannerisms of speech, p.137ff.

struggle to preserve the memory of his particular political and religious commitments, which he saw as the best embodiment in an imperfect world of more general ideas about human life, motivated L'Estrange in much the same way that it motivated some of his contemporaries to try and perpetuate his legacy in writing.

The idea that future generations would look more kindly on one's work, since passion and party feeling would then have died away, was not new in the seventeenth century or in England, but it is worth reflecting on at least one aspect of their apprehensions. Concern for one's posthumous reputation is usually a concern for the silencing of one's voice or persona, for the evanescence of the past and its evidences through the auspices of time or of one's political enemies. In the ancient world, writing was seen as a means of preventing such silencing, which is why the set of procedures used in ancient Rome, which modern historians have termed a *damnatio memoriae,* was so oddly paradoxical a way of deleting the memory of a political enemy: the erasure of names from public monuments and buildings called attention to one's disgrace, and so the erasure was meant to recall a person's memory in order to disgrace it.[83] The process of rehabilitation, when such a *damnation memoriae* was reversed, was the writing over of that same erasure, paralleling the antique practice of *emendatio*, whereby a corrupted text was corrected by another hand.[84] The whole process was not a straightforward one, and both the *damnatio* and the rehabilitation proceeded to speak indirectly about the events recorded, through "implication and innuendo," much in the way that L'Estrange claimed

[83] Charles Hedrick Jr., *History and Silence: Purge and Rehabilitation in Late Antiquity* (Austin: U. Texas Press, 2001), pp. 101, 113, 132.
[84] Hedrick, *History and Silence*, pp. 124, 130, 174.

that Seneca revealed himself in his works.[85] But both processes, I would argue, both the antique method of rehabilitation and L'Estrange's paraphrase of Seneca, had the same end: the vindication of a silence, and in the latter, the vindication of the impending silence of L'Estrange and his political and moral standards.

There is a great difference between the two, however; the type of erasure accomplished by the *damnatio memoriae* is not exactly what L'Estrange, Baxter and his contemporaries were concerned about. They were not concerned with their writings being erased and therefore defamed, since they lived in a world after the invention of print, when writing was no longer the relatively scarce commodity it had been in the ancient world. What they were concerned with was not their reputation being disgraced by the erasure of a precious (because rare) form of communication, but with their memory being overwhelmed by the sheer output of ephemeral writing produced by the press, a sort of *damnatio memoriae* in reverse, whereby one's persona is not subjected to a recalling erasure, but to an infinite overwriting by the dissemination of plentiful but false representations, so many that the person subject to them can never counter them fully. Perhaps this is why so much "self-writing" was produced in seventeenth century England for audiences, even if the audience was only for one's family.[86] If this is the case, then it would be a rather concrete manifestation of the effects of print, though perhaps not quite the same type of effects that Elisabeth Eisenstein had envisioned, for these writers were worried about the ability of falsehood to overwhelm truth by sheer force of volume. Of course, in a way this would be another example of print's ability to

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[85] Hedrick, *History and Silence*, p. 124; "After-Thought," pp. 4-6.
[86] Andrew Cambers, "Reading, the Godly, and Self-Writing in England, 1580-1720," pp. 810, 823.

augment what are human as opposed to technological limitations, as corrupted memories can be spread orally just as corrupted writings can be spread by manuscript or print. The difference that print makes to this problem is one of degree; but as with any other technology, the purposes and motivations of the people who put such technologies to use—the networks of social ties and shared beliefs, conventions and aspirations—affect our way of seeing not only such technologies are used, but how they should be used as well.

This also provides another way of seeing the value of L'Estrange's translations: they are memorials to his own sense of himself, but also to the beliefs which shaped this understanding. In this I concur with Line Cottegnies, who has suggested that his translations of Aesop "reveal the portrait of an 80 year old stoic Sage retired from public life," but would argue that it doesn't go far enough. In his writings, he created a sort of early modern Senecan persona, one which is integrated, not only with itself, but with human nature in general as he conceived it.[87] Seneca is for him the exemplar of a notion of human identity that one might call objectivist, a personal identity formed by a constellation of obligations and benefits between self and world, and between self and others, one which put a premium on consistency and psychological integration.[88] In his translations, L'Estrange articulated the basis of what for him was universal humanity, even if it came imprinted with his own particular characteristics; the perpetuation of his beliefs about human nature and about his own identity were inseparable for him. His finger wagging translations of Aesop and Seneca were designed to bridge the gap

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[87] Cottegnies, "Uses of Fable," p. 133.
[88] Christopher Gill, "Seneca and Self-hood: Integration and Disintegration," *Seneca and the Self*, eds. Shadi Barsch and David Wray (Cambridge: Cambridge UP, 2009), pp. 78-79.

between both past and present, but also past and future, to replicate his own beliefs by imitating the mores of a classical world he thought representative not of a distant past of but of human nature itself, something that writers concerned with their posterity in the ancient world did as well.[89] Thus L'Estrange could perpetuate his program of schooling mankind beyond the grave, and his translations were meant as a sort of reminder of timeless truths he saw present in those texts, an primer concerning *emendatio* for future generations to correct themselves by, something that writers planning for posterity did both in antiquity and the early medieval period.[90] L'Estrange's appeal to his posthumous readers was not only an appeal to Seneca's or his own persona, but to a view of human nature he believed unchanging, and his translations are meant as a sort of monument to this idea. As was noted before during the Exclusion Crisis, print was not a unique means of communication for L'Estrange, one which would make more certain the uniformity of the texts he wrote. From his translations one finds that this is because, for him, the texts

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[89] Tim Whitmarsh, *Greek Literature and the Roman Empire: the Politics of Imitation* (Oxford: Oxford UP, 2001), pp. 88-9; Brendon Reay, "Agriculture, Writing, and Cato's Aristocratic Self-Fashioning," *Classical Antiquity*, Vol. 24, no. 2, (October 2005), pp. 331-361; Hedrick, *History and Silence*, p. 210. Hedrick refers to the statue announcing the rehabilitation of Virius Flavianus as "evidence both of the demise of the past and its survival."

[90] Thus in the early medieval period, when Carolingian scholars sought a *correctio* or bringing to good order of Latin Christianity, they believed all that was needed was the reassertion of those principles, which involved, among other things, the extensive recopying and publicizing of the "Christian Law," i.e., authoritative texts from the late Roman (Christian) empire. Peter Brown, *The Rise of Western Christendom*, 2nd edition (Oxford; Malden, MA; Carlton, AU: Blackwell Publishing, 2003), pp. 439-445. For the role of mimesis or imitation in the perpetuation of Greek culture during the Roman Empire, see Whitmarsh, *Greek Literature*, 41-47, 88. On Cato's attempt at handing down of the traditions of the Roman aristocracy by the perpetuation of his own persona, see Reay, "Agriculture, Writing," pp. 336-337. See also James Ker, *The Deaths of Seneca* (Oxford: Oxford UP, 2009), pp. 152-55, on Seneca's letters addressing posterity in order to engage its readers in a "debt to the deceased author and his friend." The same could likely be said for the letters of Cicero as well.

themselves, their means of creation, whether manuscript or print or even oral transmission (rumors, etc.), were merely conduits for the "real" text, the human text, which always needed rewriting.

L'Estrange expressed this idea most eloquently in his "After-Thought" to the fourth edition of *Seneca's Morals*; there he indicated that one becomes part of this universal humanity by actively rereading Seneca's text for oneself. He claims that "*Seneca* was a Man made for *Meditation*," and that "every Man" that "reads him *over again* within *Himself*…feels and *confesses* in his own *Heart*, the *Truth* of his *Doctrin*," so that "the reading of *Seneca* without reading *upon him*, does but the one half of our business; for his *Innuendo's* are infinitely more *Instructive* than his *words at length*," and so there is no way to capture him without a paraphrase.[91] L'Estrange expounds reading Seneca by way of his "*Hints* and *Minutes*" because that's what his work was designed for: "the very manner of his Writing calls for a *Paraphrase*…a *Paraphrase* is *due* to him; and…we owe a *Paraphrase* to our *selves* too," so that Seneca is a "*Paraphrast* upon himself."[92] Seneca in his writings "leaves *a Foundation* for *those* to build upon, that shall come after him," and though L'Estrange disclaims that his own ideas are present in his translation, it seems clear that he wants his readers to identify him with Seneca, since for him that meant to identify with the "*Lively Image HUMANE NATURE*" that he found there, just as he boasted that his *Observator* was the "*Lively Image* of the *Lewd Times* they were *Written* in." Therefore, if one read his translation aright, one would read Seneca aright, and therefore come to a correct understanding of one's self, because divine providence "has made *All Men Necessary one* to *another*"; thus the very instrument

[91] "After-Thought," pp. 5-6.
[92] "After-Thought," pp. 7-8.

which had destroyed his king, country and his fortunes, became via his translations the means of transmitting to posterity what he believed was the true sense of himself, but also of all mankind, since where two men agree their thoughts are one just "as a *Conflagration* is *one Fire*," and so are "*Incorporated* into *One Common Stock*."[93] This rather moving sense of a common nature shared with all humanity is in fact the same one that he invoked during the Exclusion Crisis in order to denigrate the king's enemies, whose political motives and actions violated this common nature, at least according to L'Estrange. It bears repeating that he was not always honest in making such accusations, nor need one assume the truth of his beliefs, but it must be understood that all of his actions were for him part of a larger whole, that his life and beliefs were not separated out into different compartments (public/private, religious/secular, etc.) but made up a unity, one that the medium in which he expressed this belief did little to alter.

Sir Roger L'Estrange died on December 11, 1704, and was buried in the parish church of St. Giles-in-the-Fields in London, fittingly in the same church where five of the Jesuit priests martyred during the Exclusion crisis are also laid to rest. There is a plaque in that church which commemorates his life and career, but his textual oeuvre is his real monument. And L'Estrange was keenly aware that this would be the case. Throughout his career, L'Estrange espoused a doctrine of political and religious authority that most today would regard as unthinkable, but for L'Estrange it was part and parcel of a larger view of the world, a holistic view of self and world which balked at the sort of neat divisions between public and private that so many historians seem to wish to impose on the past, one which he shared with many contemporaries. What this last chapter has

[93] "After-Thought," pp. 9, 11; "To Posterity," p. 1.

shown is that this conception shaped him and his view of himself right down to the most intimate aspects of his life, but also that the same elements were the basis of his more famous and in some cases notorious works. His indifferent use of print points us toward the conclusion that role of the press is conditioned by human beliefs, the cultural settings in which they are shaped and transmitted, as much by the technology of print itself.[94] L'Estrange's declarations in his "After-Thought" to his *Seneca* tell us as much. There, at the end of his public career, the erstwhile censor of the press recommended the reading, discussing, meditating and re-writing of a text as a means of bonding with humanity—a duty, really, incumbent upon every reader, since they are all human: "For what's all the *Writing, Reading, Discoursing, Consulting, Disputing, Meditating, Compounding* and *Dividing*, from the *First Quick'ning Breath* of the *Almighty* into *Reasonable Nature*, to *this very Moment*: what is all this, I say, but *the Lighting of one Candle at another*?"[95]

[94] Johns, *Nature of the Book*, p. 638.
[95] "After-Thought," p. 11.

# CONCLUSION

This dissertation has examined the life of Sir Roger L'Estrange in hopes of demonstrating why the concept of a stable, readily identifiable "public sphere" was not really applicable to life in seventeenth century England. The volatile nature of public debate; the distinction between public and private which rested on tacit presuppositions of office; the conventional personae of government, of what types of actions were expected of one in public office and what types of persons were or were not fit to hold such offices; the idea of a public conscience, which meant it was a duty of the sovereign to shape the private consciences of his subjects—these characteristics, taken together, indicate why it is anachronistic to impose the template of the "public sphere" onto to the seventeenth century. Not only is Habermas' theory, in whatever form it is assumed, an anachronism in the period, it also requires a belief that distinctions between what is public and what is private are something more than a human convention, something which exists by nature and can be found across societies. It has also tried to show in this what role printing played in the development of the press, and its role in public debate in the seventeenth century. It showed that the press was a powerful tool of both L'Estrange and the defenders of the state Establishment but also of those who fought against it. But is has also shown that print was not independent of the agents who made use of it, and their perceptions of print's significance shaped the meaning of the uses to which they put the press, more than anything else.

But this dissertation began with a question, one to which it possible to give at least a provisional answer to now: if public/private distinctions are a matter of human perception, how did the perceptions of contemporaries change in the course of the

seventeenth century? One should begin by stating they did not change in the way previously historian have thought: as "revolutionary" as the seventeenth century was in terms of its institutions, the underlying conceptions of how they drew the line between public and private actions did not alter as much. But if the changes were not that great in their extent, the way L'Estrange referred to pamphleteering at the end of his career suggests there was a shift in the way that those presuppositions were thought of. The fact that L'Estrange tried so forcefully to deny the essentially relational qualities of office, and define them in descriptive, realist terms, was part of a larger trend, noticeable in more intellectually inclined writers such as Thomas Hobbes, to limit the ways that the positive register of office could be re-described in its negative register.[96] The attempt to reduce the significance of office to that of one single office, that of the sovereign—be it the king or Parliament—could certainly be seen as an innovation, given how widely diffused the application of such language could be. Perhaps the effect of this in the long run was to push people to find other grounds for their understanding of public and private life, as the scope of the presuppositions of office were reduced. Similarly, L'Estrange's increasingly volatile attempts to reduce the office of subjects to simple obedience might have drawn attention to how contested were the exact proportions of office and duty, casting doubt on their usefulness in public debate.[97] The very aspects of L'Estrange's "baroque" persona—his efforts to redeem the multitude from their errors with regards to their duty, and the voluminous amount of writing he produced in order to effect this, all in the service of re-asserting commonly held principles of duty in a time of social and political disruption—likely contributed in the long run to undermine credibility of

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[96] Condren, *Argument and Authority*, pp 98-100.
[97] Condren, *Argument and Authority*, p. 98.

appeals to office and duty, at least in so far as such appeals were expected to help decide such debates. Thus the drive toward semantic clarity could have produced changes sufficient to alter contemporary perceptions of how public and private boundaries were drawn, but not to replace their basic presumptions with qualitatively differing ideas.

But was there any hint in the career of L'Estrange that there were other ways of drawing distinctions between public and private? Were the foundations of a new idea of public order, something like Habermas' public sphere, present in his life time? The most likely candidate for a type of presupposition to replace that of office might have been that of interest. Given the focus of this dissertation on the language of duty, this element of L'Estrange's thinking did not appear very much, but it was present in his thinking, though not to the extent that presuppositions of office were. Mark Knights has suggested that the language of interest, of which it was said among contemporaries that "interest never lied," could have formed the basis of a new, more secular "self" in the late seventeenth century, and presumably a new secular public order as well.[98] This idea is doubtful for several reasons. Knights contrasts a language of interest, which he says was used to sift partisan news accounts to determine what was true and false, and was reflective of a worldview which emphasized contingency and uncertainty, with a notion of providence, which he finds lacking in the private writings of the diarist Roger Morrice.[99] This seems to get the problem backwards, however; contemporaries were all too aware of contingency, and how it could be dressed up in the language of providence, or conscience, or duty, and even the language of interest. Far from indicating an embrace

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[98] Mark Knights, "Judging Partisan News and the Language of Interest," *Fear, Exclusion and Revolution*, p. 217.
[99] Knights, "Language of Interest," p. 219.

of uncertainty, invocation of "interest" may have been a solution for quelling such uncertainties about human motivations, a way of linguistically bringing them under some sort of rational control. This must be why, according to Conal Condren, the negative register of office continued to be so useful to the writers who emphasized interest in the early modern period.[100] In L'Estrange's case, he never really posited any disjunction between self-interest and duty—at least in himself. Others—Dissenters, primarily—would come in for a tongue lashing because they put their interest before their duty.

Nonetheless, the repetition of claims to office must have eventually collided with a more obviously less exalted idea of interest, paving the way for a devaluation in the effectiveness of the language of office; this is indicated by the decreasing importance of state oaths in the eighteenth century, as the now British government hit upon new foundations for maintaining the allegiance of its subjects.[101] The printing press was clearly a major factor in such repetition, in pamphlets and newspapers, and the increasing volume of printed material produced in the early eighteenth century by the press is significant even if, as I contend, it did not constitute a "public sphere" in Habermas' sense of the term; it was crucial in helping to reshape habits of thought, even if the periodicals of the time weren't always terribly effective vehicles of political criticism.[102] The construction of philosophies, such as those of Kant, which were hostile to casuistry, probably played a part in the long run, as did changes in natural law theory, which eventually shifted the idea of rights away from office at the same time that natural law

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[100] Condren, *Argument and Authority*, pp. 344-345.
[101] Jones, *Conscience and Allegiance*, pp. 232-233.
[102] Knights, *Representation and Misrepresentation*, p. 23; Sommerville, *News Revolution*, pp. 132-134, 156-60.

was gradually being separated from divine law.[103] In any case, it is probably correct to say that the replacement of office by other presuppositions of office was not a single event or a neat, uni-linear process.

The idea of a public conscience likely began to lose its hold on the English imagination by the end of the eighteenth century as well. With the growth of the fiscal military state, and the increasing security of Whig regimes which, unlike their Stuart predecessors, proved capable of repelling attempts to overthrow them in 1715 and 1745, state oaths became more and more symbolic, and less a personal bond of conscience.[104] Once the British state was powerful enough, it no longer needed to invoke conscience as a means of binding its subjects; well before this, the idea of conscience that had predominated in the seventeenth century was being replaced by one which emphasized its private, individual character. Locke had reduced the conscience to a mere aspect of individual judgment, apart from any sort of innate, natural law in his *Essay*, writing that conscience was merely "our own Opinion or Judgment of the Moral Rectitude or Pravity of our own Actions."[105] By the end of the eighteenth century, philosophers such as David Hume and Adam Smith had helped sever the conscience from reason, emphasizing a more passion-centered view of conscience; its judgments must not be followed infallibly, because they were only probablistic effusions of a vague "moral sense" or intuition.[106] The final break with an idea of public conscience probably came with the Catholic

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[103] Condren, *Argument and Authority*, pp. 347-348.
[104] Jones, *Conscience and Allegiance*, pp. 236-37.
[105] John Locke, *Essay Concerning Human Understanding*, p. 70, Bk. I, Chp. III, §8. For more on his views of conscience, see Edmund Leites, "Conscience, Leisure, and Learning: Locke and the Levellers," *Sociological Analysis*, Vol. 39, no. 1, (Spring 1978), pp. 36-61.
[106] Jones, *Conscience and Allegiance*, pp. 254-55.

Emancipation Act of 1828, when the Church of England finally gave up its hegemonic status.[107] Certainly, by the 1870s, at least one perceptive observer had noticed this change. Responding in 1875 to attacks on the papacy, John Henry Newman could write that "when I was young man the State had a conscience, and the Chief Justice of the day pronounced, not as a point of obsolete law, but as an energetic, living truth, that Christianity was the law of the land."[108] Newman invoked the medieval idea of conscience as the natural law applied by individuals, but wrote that his contemporaries viewed conscience in the way Locke described it: no longer a judge or a "stern Monitor," to them conscience was simply "the right of self-will."[109] It is perhaps not a coincidence that at nearly the same time, the English system of law was undergoing a change as well; in 1873, Parliament passed a Judicature Act which consolidated the various English law courts, including the Court of Chancery, into a single Supreme Court of Judicature. It thereby subsumed the courts of equity into the common law, so that there were no longer

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[107] J.C.D. Clark, *English Society 1660-1832*, 2nd Ed., (Cambridge: Cambridge UP, 2000), pp. 527-547.

[108] John Henry Newman, *A Letter Addressed to the Duke of Norfolk* (New York and Bombay: Longman, Green, and Co., 1900), p.264. Newman was responding in particular to an attack on the papacy by William Gladstone. See William Gladstone, *The Vatican Decrees in their Bearing on Civil Allegiance* (London; John Murray, 1874), p. 6. For more on the background to this debate, see Dermot Quinn, *Patronage and Piety: The Politics of English Roman Catholicism, 1850-1900* (Stanford, CA: Stanford UP, 1993), pp. 4-31, 87-101.

[109] Newman, *Letter*, p. 247. Gladstone's reply to Newman indicates that he thought of conscience, as far as one can tell, a matter of individual will, and not innate natural law. See William Gladstone, *Vaticanism: An Answer to Replies and Reproofs* (London: John Murray, 1875), pp. 68-69, 119; *Vatican Decrees*, p. 29. Lord Acton appeared to take the same individualistic view of conscience as well. See John S. Nurser, "The Religious Conscience in Acton's Political Thought," *Journal of the History of Ideas*, Vol. 22, No. 1, (Jan.-Mar., 1961), pp. 47-62.

any separate courts of conscience.[110] The overseers of the British state, having no need of "conscience" to keep order any longer, happily allowed that justification for its actions to become wholly privatized; they might have said, as Laplace did to Napoleon, "je n'avais besoin de cette hypothèse-là."

If the idea of a "public" is primarily symbolic,[111] then our examination of L'Estrange's life may help explain some of its power as it or "public opinion" came to be mobilized in the eighteenth century. One of the most intriguing aspects of how L'Estrange and many of his contemporaries justified attempts at influencing the opinion of their governors was to invoke the Ciceronian ideal of *salus populi suprema lex*, the belief that in a time of emergency every subject or citizen is an officer who can act publicly—everyone is a public person. The constant recourse to this idea over the period of the seventeenth century must have contributed to a process whereby what had been a limited aspect of a subject's persona—the ability to act publicly was operative for most people only in a state of emergency—was transformed into a new understanding of a subject's duties and responsibilities. As a matter of symbolic representation, this process of invoking the state of emergency may be related to the emerging ideals of popular sovereignty in early modern England. A striking characteristic of the massive pamphlet and petitioning campaigns of the seventeenth century, from the 1650s to the Revolution of 1688, is how often they presaged armed conflict; given the shared idea that the people

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[110] Patrick Polden, "Minding the Waters: Personalities, Politics, and the Making of the Supreme Court of Judicature," *Cambridge Law Journal*, Vol. 61, No. 3, (Nov. 2002), pp. 575-611. Another event that happened nearly the same time may also have altered the older view of conscience that Newman invoked: the publication of Darwin's *Descent of Man* in 1872. For an interesting look comparing the Judicature Acts with literature of the time, see Simon Petch, "Law, Equity, and Conscience in Victorian England," *Victorian Literature and Culture*, Vol. 25, No.1, (1997), pp. 123-139.

[111] Harold Mah, "Phantasies of the Public Sphere," p. 168.

could act violently in the name of the public good in times of emergency, it is little wonder that seventeenth and eighteenth century governments saw violent intentions behind appeals to the people. Just so, the ideal of popular sovereignty as it developed in England and its American colonies during the eighteenth century owed much to the myth of "yeoman farmers" who would defend the country as a militia man in times of danger; as Edmund Morgan has pointed out, this myth served to strengthen solidarity among landholders who felt threatened by government encroachments in the eighteenth century.[112] The militia, after all, was one of those offices which made up the "unacknowledged republic"[113] in early modern England, and from the middle ages the ability to assemble as a militia in an orderly fashion—even without orders from one's social superiors—was seen as a way of asserting the legitimacy of claims to participate in political life, as it was in some late medieval rebellions.[114] In other words, appealing to the "public" or the "people" was a way of getting unresponsive rulers to listen, since it implied violent retaliation if they did not. One suspects that appeals to the public or the people might have become more important as the British state developed a modern, bureaucratic civil service which made the "unacknowledged republic" less necessary, and so reduced the ways in which those who lacked formal offices could influence the government.

Finally, in terms of L'Estrange's view of his persona, one can see how it was in continuity with a much older notion of human identity, and so at the individual level, it is

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[112] Edmund Morgan, *Inventing the People: the Rise of Popular Sovereignty in England and America* (New York; London: W.W. Norton & Co., 1988), pp. 153-167.
[113] Mark Goldie, "The Unacknowledged Republic," pp. 159.
[114] Montgomery Bohna, "Armed Force and Civic Legitimacy in Jack Cade's Revolt, 1450," in *The English Historical Review,* cxvii, 477 June 2003, pp. 563-582.

likely that, if there was anything of "modernity" in it, it was unimportant to him, except insofar as it meant passing on his beliefs, as the final chapter demonstrated. Even there it was not so much a matter of identifying his unique individuality, as those characteristics that were most human, and therefore universal, rather than particular. This does not mean, of course, that his self-understanding was identical to Seneca's; despite its continuity with the ancient world, the persona which L'Estrange constructed for himself was suited to the needs of the gentry class to which he belonged, and which developed out of the post-Reformation settlement in England. The very emphasis on ideals of service to the state, so apparent in L'Estrange's choice of translations and in the education of the time, reflected the needs of his class perfectly. Finally, his career has also shown how personae were crucial to making distinctions between public and private persons, those who had authority and those who didn't. That is to say, at least in theory, the boundary between public and private was more "personal" than the Habermasian idea of absolutely separate spheres of public and private allows for.

Our tentative conclusion, then, is that the creation of anything like a public sphere, such as it was, must have come to fruition in the nineteenth century, rather than in the seventeenth century. However, the slow, uneven, and very contingent process by which our perceptions came about did begin in the world of Roger L'Estrange. But his contemporaries presumed a different set of beliefs to make sense of how social, political and religious differences should be organized and negotiated, when compared to societies in contemporary Western European civilizations. And while it is true that the printing press, the beginnings of a belief in popular sovereignty, and perhaps some of the more radical departures from those commonly held beliefs would eventually form the basis for

a new ideal of public order, they were not really apparent for most of L'Estrange's contemporaries, even for those writers, such as John Locke, who made some departure from them, yet still operated within the limits and parameters of those of the assumptions.

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